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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD PERMITTING AND
ENFORCEMENT COMMITTEE

IN THE MATTER OF THE:)
)
PERMITTING AND ENFORCEMENT)
COMMITTEE MEETING)

 —

DATE AND TIME: WEDNESDAY, OCTOBER 9, 1996
 9:30 A.M.

PLACE: BOARD HEARING ROOM
 8800 CAL CENTER DRIVE SACRAMENTO,
 CALIFORNIA

REPORTER: BETH C. DRAIN, RPR, CSR
 CERTIFICATE NO. 7152

BRS FILE NO.: 35783A

APPEARANCES

MR. ROBERT C. FRAZEE, CHAIRMAN MR. DANIEL G.
PENNINGTON, MEMBER MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER MS. KATHRYN
TOBIAS, LEGAL COUNSEL

MS. WENDY GARSKE, COMMITTEE SECRETARY

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1 SACRAMENTO, CALIFORNIA; WEDNESDAY, OCTOBER 9, 1996

2 9:30 A.M.

3

4 CHAIRMAN FRAZEE: THE MEETING WILL COME
5 TO ORDER, PLEASE. THIS IS THE OCTOBER 9TH MEETING
6 OF THE PERMITTING AND ENFORCEMENT COMMITTEE.
7 SECRETARY WILL CALL THE ROLL.

8 THE SECRETARY: COMMITTEE MEMBERS
9 PENNINGTON.

10 MEMBER PENNINGTON: HERE.

11 THE SECRETARY: RELIS.

12 MEMBER RELIS: HERE.

13 THE SECRETARY: CHAIRMAN FRAZEE.

14 CHAIRMAN FRAZEE: HERE. ALL MEMBERS ARE
15 PRESENT. WE HAVE A QUORUM.

16 FEW ANNOUNCEMENTS BEFORE WE BEGIN
17 TAKING UP ITEMS. FIRST OF ALL, ITEMS 1(A), 8, AND
18 15 HAVE BEEN PULLED FROM THE DAY'S AGENDA AND WILL
19 NOT BE HEARD.

20 SECOND, THERE WILL BE A SPECIAL
21 MEETING OF THE FULL BOARD TO CONSIDER PERMITS WITH
22 FACILITIES THAT MAY BE AFFECTED BY THE
23 REQUIREMENTS OF AB 59 TO CEASE OPERATIONS IF THEY
24 ARE NOT PERMITTED BY OCTOBER 16TH. THAT MEETING
25 IS ADVERTISED TO BEGIN AT 1:30 P.M. OR UPON

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1 COMPLETION OF THIS COMMITTEE MEETING SHOULD WE GO
2 BEYOND 1:30.

3 I WANT TO MENTION THAT WE MAY OR MAY
4 NOT BE FINISHED WITH THE P&E AGENDA BY TIME TO
5 TAKE A LUNCH BREAK. IF WE ARE NOT FINISHED, WE
6 WILL CERTAINLY COMPLETE THE PERMIT ITEMS, BUT SOME
7 OF THE POLICY ITEMS WE MAY TRAIL UNTIL AFTER THE
8 FULL BOARD MEETING AND THEN COME BACK TO THAT --
9 THOSE ITEMS LATER ON, BUT THAT WILL BE BASED ON
10 HOW WE MOVE ALONG WITH THE AGENDA THIS MORNING.

11 NEXT, ANYONE WISHING TO ADDRESS THE
12 COMMITTEE SHOULD COMPLETE THE SPEAKER'S FORMS THAT
13 ARE IN THE BACK OF THE ROOM AND BRING THEM FORWARD
14 TO THE COMMITTEE SECRETARY, SO WE MAY CALL UPON
15 YOU AT THE APPROPRIATE TIME.

16 NOW, MEMBERS HAVE ANY EX PARTE
17 COMMUNICATIONS THEY HAVE NOT RECORDED? APPARENTLY
18 NOT.

19 MEMBER PENNINGTON: EXCUSE ME. NO, I
20 DON'T HAVE ANY. THANK YOU.

21 CHAIRMAN FRAZEE: THAT WASN'T ONE.

22 MEMBER PENNINGTON: NO.

23 CHAIRMAN FRAZEE: THE FIRST ITEM, CONSENT
24 CALENDAR, AND IT'S ITEM 1(B). I DON'T THINK WE
25 NEED A PRESENTATION ON THIS. IT'S ONLY A SINGLE

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1 ITEM WITHOUT CONTROVERSY, AND IT WOULD BE
2 APPROPRIATE TO JUST TAKE UP CONSENT CALENDAR RIGHT
3 AT THAT POINT.

4 MEMBER RELIS: MR. CHAIR, I'LL MOVE THE
5 CONSENT ITEM 1(B).

6 MEMBER PENNINGTON: I'LL SECOND.

7 CHAIRMAN FRAZEE: MOTION AND SECOND.
8 SECRETARY CALL THE ROLL, PLEASE.

9 THE SECRETARY: COMMITTEE MEMBERS
10 PENNINGTON.

11 MEMBER PENNINGTON: AYE.

12 THE SECRETARY: RELIS.

13 MEMBER RELIS: AYE.

14 THE SECRETARY: CHAIRMAN FRAZEE.

15 CHAIRMAN FRAZEE: AYE. CONSENT CALENDAR
16 IS ADOPTED, AND WE'LL MOVE ON TO THE CONSENT OF
17 THE FULL BOARD.

18 WE'RE READY TO MOVE TO THE
19 CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A
20 REVISED SOLID WASTE FACILITY PERMIT FOR THE
21 HANFORD LANDFILL IN KINGS COUNTY.

22 MS. RICE: AMALIA FERNANDEZ WILL MAKE
23 THIS PRESENTATION FOR STAFF.

24 MS. FERNANDEZ: GOOD MORNING. THE KINGS
25 COUNTY LEA HAS PROPOSED A REVISED PERMIT FOR THE

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1 HANFORD LANDFILL. THE FACILITY IS OWNED AND
2 OPERATED BY THE KINGS WASTE AND RECYCLING
3 AUTHORITY, OTHERWISE KNOWN AS THE KINGS COUNTY
4 WASTE MANAGEMENT AUTHORITY.

5 THE FACILITY IS CURRENTLY OPERATED
6 UNDER A NOTICE AND ORDER, WHICH REQUIRED THE
7 OPERATOR TO REVISE THE PERMIT TO INCORPORATE THE
8 FOLLOWING CHANGES: A TONNAGE INCREASE FROM A
9 HUNDRED TONS PER DAY TO 484 TONS PER DAY, A
10 VERTICAL EXPANSION FROM 247.5 FEET TO 267.5 FEET
11 ABOVE SEA LEVEL TO FACILITATE DRAINAGE, AND EXPAND
12 THE LIFE OF THE LANDFILL FROM 1994 TO 1997, A
13 CHANGE IN OPERATOR FROM COUNTY OF KINGS TO THE
14 KINGS COUNTY WASTE AND RECYCLING AUTHORITY,
15 OTHERWISE KNOWN AS THE KINGS COUNTY WASTE
16 MANAGEMENT AUTHORITY.

17 THIS PROJECT IS PRESENTED BEFORE YOU
18 WITH A LONG-TERM VIOLATION, SPECIFICALLY PRESENCE
19 OF METHANE GAS AT THE FACILITY'S BOUNDARY.
20 BECAUSE OF THIS, THE BOARD'S POLICY ON FACILITIES
21 WITH LONG-TERM VIOLATIONS HAS BEEN FOLLOWED IN
22 BRINGING THIS PERMIT FORWARD.

23 THE LEA ISSUED AN ENFORCEMENT ORDER
24 TO THE OPERATOR, AND THE OPERATOR HAS MADE A
25 REMEDIATION PLAN WHICH HAS BEEN APPROVED BY BOARD

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1 STAFF. THE REMEDIATION PLAN CONSISTS OF THE
2 INSTALLATION OF A LANDFILL GAS EXTRACTION WELL, AS
3 WELL AS A PILOT STUDY TO ASSESS GAS
4 CHARACTERISTICS AT THE SITE, AND MITIGATE GAS
5 CONCENTRATIONS AT THE PROPERTY BOUNDARY.

6 THE INFORMATION OBTAINED DURING THE
7 STUDY WILL BE USED IN THE DESIGN OF THE GAS
8 CONTROL SYSTEM FOR THE ENTIRE LANDFILL. GAS
9 CONTROL WILL BE REQUIRED AS PART OF THE FINAL
10 CLOSURE WHICH IS EXPECTED TO OCCUR IN LATE 1997.

11 STAFF HAS REVIEWED THE PROPOSED
12 PERMIT AND ACCOMPANYING DOCUMENTATION AND HAVE
13 DETERMINED THAT THEY'RE SUITABLE FOR BOARD'S
14 CONSIDERATION OF CONCURRENCE. STAFF, THEREFORE,
15 RECOMMEND THE BOARD ADOPT PERMIT DECISION 96-422,
16 CONCURRING IN THE ISSUANCE OF PERMIT NO.
17 16-AA-0009.

18 PLEASE NOTE THAT THE DECISION -- THE
19 RESOLUTION HAS BEEN DISTRIBUTED TO YOU.

20 CHAIRMAN FRAZEE: IT WAS NOT IN THE
21 PACKET?

22 MS. FERNANDEZ: CORRECT. AT THE TIME THE
23 ITEM WAS PREPARED, WE DIDN'T OFFER A
24 RECOMMENDATION.

25 MR. REMINGTON REPRESENTING THE LEA

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1 IS PRESENT SHOULD YOU HAVE ANY QUESTIONS. THIS
2 CONCLUDES STAFF'S PRESENTATION.

3 CHAIRMAN FRAZEE: ANY QUESTIONS?

4 MEMBER RELIS: IT'S MY UNDERSTANDING THAT
5 THIS WON'T BE A LATERAL EXPANSION. THIS WILL --
6 WE'RE ESSENTIALLY HERE TALKING ABOUT ANOTHER YEAR
7 OF USE AND THEN CLOSURE.

8 MS. FERNANDEZ: CORRECT.

9 MEMBER RELIS: WITH THE GAS SYSTEM GOING
10 IN TO ADDRESS THE LONG-STANDING PROBLEMS THERE.

11 MS. FERNANDEZ: CORRECT.

12 MEMBER RELIS: SO IT'S STAFF'S VIEW THAT
13 THIS IS THE BEST MEANS OF ADDRESSING THE
14 HISTORICAL VIOLATION ON THIS SITE. IS THAT --

15 MS. FERNANDEZ: YES.

16 MEMBER RELIS: OKAY.

17 CHAIRMAN FRAZEE: DOES THE LEA WISH TO
18 MAKE ANY COMMENT, STATEMENT ON THIS?

19 MR. COOKE: MY NAME IS RAYMOND COOKE,
20 KINGS COUNTY.

21 CHAIRMAN FRAZEE: WHY DON'T YOU STEP UP
22 SO WE CAN GET YOU ON THE RECORD.

23 MR. COOKE: NAME IS RAYMOND COOKE, LEA
24 OF

25 KINDS COUNTY. THERE A QUESTION THAT YOU HAD ON
26 THAT?

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1 CHAIRMAN FRAZEE: JUST WANTED TO SEE IF
2 YOU HAD ANY COMMENT AS TO THE OUTSTANDING ISSUE,
3 ONE THAT CAUSES SOME CONCERN, THE GAS VIOLATION.

4 MR. COOKE: THE GAS HAS BEEN AT TIMES
5 OVER THE 5 PERCENT AND SOMETIMES UNDER. IT'S BEEN
6 KIND OF WAFLING A LITTLE BIT, SO WE DECIDED TO GO
7 WITH A NOTICE AND ORDER TO ADDRESS IT. AND
8 THEY'RE GOING TO INSTALL A TEST WELL IN --
9 HOPEFULLY BY THE END OF NEXT MONTH IF THEY GET ALL
10 THE APPROVALS FROM THE AIR BOARD FOR THEIR FLARE.

11 IT'S -- THEY'VE TAKEN STEPS TO
12 MONITOR THE INTERIOR BUILDINGS. THERE'S SOME OLD
13 STRUCTURES ON SITE BECAUSE WE BUILT A MATERIAL
14 RECOVERY FACILITY ADJACENT TO THE SITE, SO THERE'S
15 SOME OLD BUILDINGS THAT AREN'T BEING USED ANYMORE,
16 AND THOSE ARE BEING MONITORED, AND WE HAVEN'T
17 DETECTED ANYTHING IN THOSE.

18 IT'S BASICALLY BEEN ONE WELL THAT'S
19 BEEN KIND OF HOT. THIS TIME OF YEAR, IN NOVEMBER,
20 WE'VE HAD LESS THAN 5 PERCENT IN THE ONE WELL
21 THAT'S A PROBLEM NOW. THEY WILL BE GOING THROUGH
22 CLOSURE IN ABOUT A YEAR. AT THAT POINT,
23 HOPEFULLY, ALL THE STUDIES WILL DETERMINE THE
24 AMOUNTS OF GAS AND AIR PERMEABILITIES OF SOIL SO
25 THEY CAN DESIGN A PROPER SYSTEM FOR IT.

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1 MEMBER RELIS: AND JUST ONCE AGAIN, STAFF
2 HAS DETERMINED THERE'S, ALONG WITH THE LEA, NO
3 RISKS TO PEOPLE USING WHATEVER FACILITIES ARE IN
4 THE LANDFILL AREA?

5 MR. COOKE: RIGHT. THE LEA FACILITY WAS
6 AN OLD SCALEHOUSE, AND WE'VE OPENED THE DOOR ON IT
7 AND THE WINDOWS, AND THERE'S A TRAILER SKIRTING
8 WITH VENTING, SO WE DON'T EXPECT ANYTHING IN
9 THERE. AND THERE'S KIND OF AN OLD CORRUGATED
10 METAL SHED OUT THERE THAT DOES HAVE SOME ODDS AND
11 ENDS THAT THE CONTRACTOR HAS, AND IT'S NOT VERY
12 AIRTIGHT, BUT WE'RE GOING TO PUT SOME MORE
VENTING

13 ON THAT, PLUS IT'S BEING MONITORED MONTHLY
--

14 ACTUALLY MORE THAN MONTHLY. WHENEVER I GO
OUT

15 THERE, I CHECK IT OUT, AND WE HAVEN'T GOT
ANYTHING

16 OVER DETECTABLE IN THERE.

17 CHAIRMAN FRAZEE: IF THERE'S
NOTHING

18 ELSE, A MOTION IS IN ORDER.

19 MEMBER PENNINGTON: I'LL MOVE
STAFF

20 RECOMMENDATION.

21 MEMBER RELIS: SECOND.
22 CHAIRMAN FRAZEE: MOTION AND A
SECOND TO
23 ADOPT PERMIT DECISION 96-422. SECRETARY
WILL CALL
24 THE ROLL ON THAT ONE, PLEASE.
25 THE SECRETARY: COMMITTEE MEMBERS

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1 PENNINGTON.

2 MEMBER PENNINGTON: AYE.

3 THE SECRETARY: RELIS.

4 MEMBER RELIS: AYE.

5 THE SECRETARY: CHAIRMAN FRAZEE.

6 CHAIRMAN FRAZEE: AYE. MOTION IS

7 CARRIED. WITHOUT OBJECTION, WE'LL RECOMMEND

8 CONSENT TO THE FULL BOARD ON THIS ITEM.

9 AND NEXT AGENDA ITEM 3 IS THE

10 CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A

11 NEW SOLID WASTE FACILITY PERMIT FOR WASTE

12 RESOURCES TECHNOLOGY, INCORPORATED, RECYCLING AND

13 TRANSFER FACILITY IN THE CITY AND COUNTY OF SAN

14 FRANCISCO.

15 MS. RICE: RUSS KANZ WILL MAKE THIS

16 PRESENTATION FOR STAFF.

17 MR. KANZ: GOOD MORNING. WASTE RESOURCES

18 TECHNOLOGY INCORPORATED HAS SUBMITTED AN

19 APPLICATION FOR A NEW SOLID WASTE FACILITIES

20 PERMIT FOR THEIR MATERIAL RECOVERY FACILITY. THE

21 FACILITY WILL ACCEPT MATERIALS THAT ARE ENTIRELY

22 RECYCLABLE OR CONTAIN A SIGNIFICANT PERCENTAGE OF

23 RECYCLABLE MATERIALS. THE OPERATOR INTENDS TO

24 RECOVER WOOD, FERROUS AND NONFERROUS METALS,

25 PLASTICS, CARDBOARD, GLASS, AND PAPER.

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1 WASTE RESOURCES TECHNOLOGY WAS
2 INCORPORATED IN 1980. AS THE OPERATION EXPANDED,
3 IT BECAME EVIDENT THAT IT WAS A SOLID WASTE
4 FACILITY. AND ON FEBRUARY 5TH, 1992, THE LEA
5 ISSUED A NOTICE AND ORDER FOR COMPLIANCE AND
6 DIRECTED THE OPERATOR TO OBTAIN A PERMIT. THE
7 FACILITY IS CURRENTLY OPERATING UNDER THE NOTICE
8 AND ORDER FOR COMPLIANCE. ISSUANCE OF THE
9 PROPOSED PERMIT WILL CORRECT THE VIOLATION OF
10 PUBLIC RESOURCES CODE SECTION 44002.

11 BOARD STAFF CONDUCTED AN INSPECTION
12 OF THIS FACILITY ON SEPTEMBER 4, 1996, TO
13 DETERMINE IF THE FACILITY IS OPERATING IN
14 COMPLIANCE WITH THE STATE MINIMUM STANDARDS FOR
15 SOLID WASTE HANDLING AND DISPOSAL. BOARD STAFF
16 DOCUMENTED A VIOLATION FOR DRAINAGE CONTROL. THE
17 STATE INSPECTION REPORT STATES THAT "UPON
18 COMPLETION OF THE PROPOSED BUILDING, THE OPERATOR
19 WILL HAVE INSTALLED A SUMP OR SERIES OF SUMPS AND
20 WILL PUMP AND TREAT ALL WATER WHICH COMES IN
21 CONTACT WITH WASTE OR IS USED TO CLEAN THE
22 FACILITY."

23 THE CITY AND COUNTY OF SAN
FRANCISCO

24 HAS APPROVED THE BUILDING PERMIT TO CONSTRUCT
THE

25 BUILDING TO ENCLOSE THE OPERATION. THE LEA AND

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1 BOARD STAFF HAVE DETERMINED THAT THE FACILITY IS
2 FOUND IN THE CITY AND COUNTY OF SAN FRANCISCO
3 SOLID WASTE MANAGEMENT PLAN, THE PROJECT IS
4 CONSISTENT WITH THE CITY AND COUNTY OF SAN
5 FRANCISCO GENERAL PLAN, THE PROJECT IS CONSISTENT
6 WITH THE WASTE DIVERSION GOALS OF AB 939, AND CEQA
7 HAS BEEN COMPLIED WITH.

8 IN CONCLUSION, STAFF RECOMMENDS THAT
9 THE BOARD ADOPT SOLID WASTE FACILITIES PERMIT
10 DECISION NO. 96-416, CONCURRING IN THE ISSUANCE OF
11 SOLID WASTE FACILITIES PERMIT NO. 38-AA-0004.

12 TIM LONG WITH THE LEA AND FRANK
13 SPIDOVAK WITH WASTE RESOURCES TECHNOLOGY ARE BOTH
14 PRESENT.

15 CHAIRMAN FRAZEE: QUESTIONS?

16 MEMBER RELIS: MR. CHAIRMAN, LIKE TO ASK
17 THE OPERATOR AND THE LEA IN TERMS OF WHAT KIND OF
18 DUST CONTROL SYSTEM YOU HAVE FOR THIS FACILITY.

19 MR. LONG: GOOD MORNING. MY NAME IS TIM
20 LONG. I'M FROM SAN FRANCISCO LEA. THERE ARE A
21 NUMBER OF DUST MITIGATION MEASURES BUILT INTO THIS
22 SYSTEM. THERE IS A MISTING SYSTEM THAT WE'RE
23 PUTTING -- THAT WILL BE PUT IN OVER THE WOOD
24 GRINDING MILL. IT'S NOT A TYPICAL TOP GRINDER.
25 IT'S A BELT GRINDER WHICH PRODUCES A LOT LESS

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1 EMISSIONS THAN THE NORMAL SITUATION.

2 WE WILL HAVE A CONCERN. RIGHT NOW
3 THEY'RE PRESENTLY OPERATING WITHOUT ENCLOSURE. SO
4 WE HAD A DUST CONCERN WITH IT GOING TO THE
5 NEIGHBORING COMMUNITY AND SO FORTH. WHEN THE NEW
6 FACILITY IS BUILT, IT WILL BE TOTALLY ENCLOSED.

7 SO NOW WE'RE GOING TO HAVE A CONCERN
8 WITH THE WORKERS AND THE AMOUNT OF DUST THAT WILL
9 BE EMITTED FROM THE OPERATION, BUT WE HAVE
10 ASSURANCES FROM THE OPERATOR THAT IF THE SYSTEM AS
11 CURRENTLY PROPOSED AND DESIGNED IS NOT SUFFICIENT
12 TO MITIGATE THE DUST PROBLEMS, THAT WE'LL WORK
13 WITH ENGINEERING EXPERTS TO FURTHER REDUCE THE
14 EMISSION OF DUST, AND THAT WILL PRIMARILY TAKE
15 CARE OF OUR DUST CONCERN.

16 IN THE C&D CONSTRUCTION DEBRIS AREA
17 WHERE YOU DO THE SEPARATION AND RECYCLING,
18 THERE'LL BE MINIMAL WATER. IT DETERIORATES THE
19 PRODUCT. AND HOPEFULLY BY ENCLOSING AND
20 SEPARATING THAT, WE REALLY WON'T NEED TO USE VERY
21 MUCH WATER, IF AT ALL.

22 CHAIRMAN FRAZEE: WHAT IS THE PROPOSED
23 COMPLETION DATE OF THE BUILDING?

24 MR. LONG: TO DATE SAN FRANCISCO HAS
25 ISSUED BOTH, AS RUSS HAS MENTIONED, A BUILDING

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1 PERMIT AND A LAND USE PERMIT. THAT HAPPENED AS OF
2 LAST WEEK. RIGHT ON THE DATE HERE.

3 AND IN OUR OWN LOCAL PROCESS, THE
4 COMMUNITY HAS A TIME WHERE THEY CAN CONTEST THE
5 ISSUANCE OF THIS BUILDING PERMIT. SO THAT'S A
6 TOUGH QUESTION TO ANSWER. ASSUMING THAT THERE ARE
7 NO PROTESTS OR THAT A PUBLIC HEARING IS NOT
8 REQUIRED TO CONTEST THIS, THE OPERATOR IS TRYING
9 TO START THIS PROJECT BY DECEMBER. AND IT WILL BE
10 A TOTALLY ENCLOSED, 40,000 SQUARE FOOT BUILDING,
11 KIND OF LIKE A PREFAB WAREHOUSE. IF WE GET THE
12 GO-AHEAD, IT WOULD GO UP FAIRLY RAPIDLY. MR.
13 SPIDOVAK CAN PROBABLY ANSWER THAT IN TERMS OF TIME
14 FRAME.

15 CHAIRMAN FRAZEE: THE FACILITY WILL
16 CONTINUE TO OPERATE AS IT HAS BEEN?

17 MR. LONG: YES. THE FACILITY HAS BEEN
18 OPERATING. IT IS -- OTHER THAN PROBLEMS WITH THE
19 LACK OF DRAINAGE AND NOISE, WE HAVE BEEN ABLE TO
20 WORK WITH THE OPERATOR BY USE OF THE MISTERS,
21 DIFFERENT MUFFLERS, AND SO FORTH TO MITIGATE
22 OPERATIONAL PROBLEMS. AND THE REASON WE WEREN'T
23 ABLE TO CORRECT THESE LARGER PROBLEMS WITH THE
24 NOISE AND DUST AND SO FORTH IS BECAUSE WE
COULDN'T
25 GET A BUILDING PERMIT.

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1 SO WE'RE HOPING THAT NOW THAT THESE
2 PERMITS ARE ISSUED, THAT IN THE NEAR FUTURE, WHEN
3 YOU VISIT SAN FRANCISCO, YOU ARE GOING TO SEE A
4 DRASTIC IMPROVEMENT OVER WHAT WE HAD
BEFORE. WE
5 HAD A FAIRLY CRUDE OPERATION THERE BEFORE
WHERE WE
6 COULD NOT IMPROVE IT DUE TO CITY
CONSTRAINTS. NOW
7 THAT WE'RE FINALLY THROUGH THAT PUBLIC
PROCESS AND
8 ZONING PROCESS, WE HOPE TO PUT TOGETHER A
9 STATE-OF-ART-TYPE OF OPERATION THAT WE
WOULD BE
10 VERY PROUD OF FOR YOU TO VISIT.

11 CHAIRMAN FRAZEE: ANY OTHER
QUESTIONS?

12 IF NOT, THANK YOU VERY MUCH.

13 MR. LONG: THANK YOU. I'D JUST
LIKE TO

14 MENTION THAT MR. RUSS KANZ IN PERMITTING
AND

15 REINHARD HOHLWEIN IN YOUR COMPLIANCE
DIVISION WERE

16 VERY, VERY HELPFUL TO THE LOCAL LEA. JUST
LIKE TO

17 NOTE THAT.

18 CHAIRMAN FRAZEE: GOOD. THANK
YOU. WE

19 HAVE THE ITEM BEFORE US.

20 MEMBER RELIS: MR. CHAIR, I'LL
MOVE

21 CONCURRENCE IN PERMIT DECISION 96-416.

22 MEMBER PENNINGTON: I'LL SECOND.

23 CHAIRMAN FRAZEE: MOTION AND
SECOND TO

24 ADOPT PERMIT DECISION 96-416. SECRETARY
WILL CALL

25 THE ROLL.

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1 THE SECRETARY: COMMITTEE MEMBERS

2 PENNINGTON.

3 MEMBER PENNINGTON: AYE.

4 THE SECRETARY: RELIS.

5 MEMBER RELIS: AYE.

6 THE SECRETARY: CHAIRMAN FRAZEE.

7 CHAIRMAN FRAZEE: AYE. MOTION IS

8 CARRIED. IF THERE'S NO OBJECTION, WE'LL RECOMMEND

9 CONSENT TO THE FULL BOARD ON THAT ITEM. THAT IS

10 ON THE SPECIAL BOARD MEETING. WE CAN STILL

11 CONSENT IT TO THAT, CAN'T WE?

12 MEMBER PENNINGTON: NO.

13 CHAIRMAN FRAZEE: WE'LL NOT GO TO CONSENT

14 WITH THE SPECIAL MEETING. OKAY.

15 NOW, READY TO MOVE ON TO AGENDA ITEM

16 4, CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF

17 A REVISED SOLID WASTE FACILITY PERMIT FOR THE

18 NORTH AREA TRANSFER STATION, AND WE MIGHT JUST

19 CONCURRENTLY HANDLE 4 AND 5.

20 MR. WHITEHILL: I COULD COMBINE ITEMS 4

21 AND 5.

22 CHAIRMAN FRAZEE: FIVE IS SIMILAR,

23 CONCURRENCE FOR THE ISSUANCE OF A REVISED SOLID

24 WASTE FACILITY PERMIT FOR THE SOUTH AREA TRANSFER

25 STATION.

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1 MR. WHITEHILL: GOOD MORNING. I'M JON
2 WHITEHILL OF THE BOARD'S PERMITS BRANCH. AND THE
3 NORTH AREA AND SOUTH AREA TRANSFER STATIONS ARE
4 BOTH 1978 PERMITS THAT ARE SCHEDULED TO BE UPDATED
5 SO THAT THE PERMIT CAN REFLECT AN INCREASE IN THE
6 MAXIMUM DAILY TONNAGE. FOR THE NORTH AREA
7 TRANSFER STATION, THE TONNAGE IS INCREASING FROM
8 400 TO 800 TONS PER DAY. FOR THE SOUTH AREA
9 TRANSFER STATION, THE TONNAGE IS INCREASING FROM
10 130 TO 348 TONS PER DAY.

11 THESE PERMITS WERE ORIGINALLY
12 SCHEDULED TO BE REVISED LAST YEAR, BUT IN THE
13 MEANTIME THE SACRAMENTO CITY LANDFILL CLOSED AND
14 CAUSED THE TONNAGES TO INCREASE ABOVE THE
15 PREVIOUSLY ANALYZED CEQA TONNAGE LEVELS. AND SO
16 THE COUNTY HAS SINCE PREPARED A NEW NEGATIVE
17 DECLARATION FOR THE HIGHER TONNAGES AT BOTH OF
18 THESE SITES. IN ADDITION, BOTH SITES NOW HAVE

A

19 PUBLIC BATTERY, OIL, PAINT, ANTIFREEZE
COLLECTION

20 SERVICE.

21 THE SOUTH AREA TRANSFER STATION -

-

22 EXCUSE ME -- THE NORTH AREA TRANSFER STATION IS
23 ALSO ADDING A SEPARATE DESIGNED SITE EXIT FOR

THE

24 COUNTY GARBAGE TRUCKS.

25 BOARD STAFF HAVE DETERMINED THE

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1 FOLLOWING FOR THE NORTH AREA AND SOUTH AREA
2 TRANSFER STATIONS: THAT THE FACILITIES AND
THEIR
3 PROPOSED EXPANSIONS ARE IDENTIFIED IN THE
4 SACRAMENTO COUNTY SOLID WASTE MANAGEMENT PLAN
AND
5 IN CONFORMANCE WITH THE COUNTY GENERAL PLAN,
THAT
6 FOR BOTH SITES THE REQUIREMENTS OF THE
CALIFORNIA
7 ENVIRONMENTAL QUALITY ACT HAVE BEEN COMPLIED
WITH,
8 AND THAT BOTH PROPOSED PERMITS ARE CONSISTENT
WITH
9 THE STANDARDS ADOPTED BY THE BOARD.
10 IN CONCLUSION, STAFF HAS REVIEWED
11 THE PROPOSED PERMITS AND SUPPORTING
DOCUMENTATION
12 AND FOUND THEM TO BE ACCEPTABLE. STAFF
RECOMMEND
13 THAT BOARD ADOPT RESOLUTION NO. 96-438,
CONCURRING
14 IN THE ISSUANCE OF SOLID WASTE FACILITIES
PERMIT
15 NO. 34-AA-0002 AND ALSO ADOPT RESOLUTION NO.
16 96-439, CONCURRING IN THE ISSUANCE OF SOLID

WASTE

17 FACILITIES PERMIT NO. 34-AA-00021.

18 THE OPERATOR AND THE LEA ARE BOTH

19 HERE IN CASE YOU HAVE ANY FURTHER QUESTIONS.

20 CHAIRMAN FRAZEE: HAVE ANY QUESTIONS

ON

21 THIS ONE?

22 MEMBER PENNINGTON: I'LL MOVE THAT WE

23 CONCUR AND ADOPT THE RESOLUTION 96-438 AND

24 34-AA-002 AND 003.

25 MEMBER RELIS: SECOND.

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1 CHAIRMAN FRAZEE: WE NEED TWO MOTIONS?
2 WE NEED A SEPARATE MOTION FOR EACH ONE. OKAY.
3 THIS FIRST MOTION, THEN, WILL BE ON THE ADOPTION
4 OF RESOLUTION 96-438. SECRETARY WILL CALL THE
5 ROLL ON THAT.

6 THE SECRETARY: COMMITTEE MEMBERS
7 PENNINGTON.

8 MEMBER PENNINGTON: AYE.

9 THE SECRETARY: RELIS.

10 MEMBER RELIS: AYE.

11 THE SECRETARY: CHAIRMAN FRAZEE.

12 CHAIRMAN FRAZEE: AYE. MOTION IS
13 CARRIED.

14 MEMBER PENNINGTON: MOVE ADOPTION OF
15 RESOLUTION 96-439.

16 MEMBER RELIS: SECOND.

17 CHAIRMAN FRAZEE: MOTION ON THAT AND A
18 SECOND. IF THERE'S NO OBJECTION, WE'LL
SUBSTITUTE

19 THE PREVIOUS ROLL CALL ON THAT ITEM AND WITHOUT
20 OBJECTION RECOMMEND CONSENT ON THESE TWO ITEMS
TO
21 THE FULL BOARD.

22 NOW, MOVING ON TO ITEM NO. 6, THIS
23 IS THE CONSIDERATION OF CONCURRENCE IN THE
24 ISSUANCE OF A NEW STANDARDIZED COMPOST PERMIT

FOR
25 THE MURAI FARMS COMPOST FACILITY IN ORANGE
COUNTY.

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1 MS. RICE: JON WHITEHILL WILL MAKE THIS
2 PRESENTATION ALSO.

3 MR. WHITEHILL: THE MURAI FARMS COMPOST
4 FACILITY IS LOCATED NEAR HIGHWAY 5 ON LAGUNA
5 CANYON ROAD IN THE CITY OF IRVINE IN ORANGE
6 COUNTY. FEEDSTOCK RECEIVED IS GREEN WASTE
7 CONSISTING PRIMARILY OF MANURE AND ANIMAL STABLE
8 BEDDING STRAW, AGRICULTURAL RESIDUE MATERIALS, AND
9 LANDSCAPE CLIPPINGS, TRIMMINGS, AND LEAVES.

10 THE LEA ONLY BECAME AWARE OF THIS
11 COMPOST FACILITY EARLIER THIS YEAR, AND THE MURAI
12 FARM PERMIT PACKAGE WAS SUBMITTED WITHOUT
13 VERIFICATION OF THE INTEGRATED WASTE MANAGEMENT
14 PLAN CONFORMANCE OR CEQA COMPLIANCE SO THAT THE
15 LEA COULD SCHEDULE BOARD CONSIDERATION PRIOR TO
16 THE OCTOBER 16TH CEASE AND DESIST DEADLINE.

17 THE LEA AND BOARD STAFF HAVE
18 DETERMINED THE FOLLOWING: FIRST, THE FACILITY IS
19 NOT IDENTIFIED IN THE APPROVED INTEGRATED WASTE
20 MANAGEMENT PLAN. HOWEVER, AN AMENDMENT TO THE
21 NONDISPOSAL FACILITY ELEMENT WAS APPROVED LOCALLY
22 ON SEPTEMBER 24TH, AND THE BOARD IS EXPECTED TO
23 APPROVE THE AMENDMENT TO THE NDFE AT TODAY'S
24 SPECIAL BOARD MEETING.

25 NO. 2, THE CITY OF IRVINE HAS

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1 DETERMINED THAT THE FACILITY IS AN ACCESSORY USE
2 OF AN EXISTING FARM AND IS A PERMITTED USE
3 CONSISTENT WITH THE ZONING ORDINANCE. BECAUSE THE
4 CITY OF IRVINE DOES NOT REQUIRE AN ADDITIONAL CEQA
5 REVIEW, THE LEA IS THE LEAD AGENCY FOR THIS PERMIT
6 ACTION. THE LEA HAS SINCE DETERMINED THAT THE
7 CONTINUED OPERATION OF THE COMPOST FACILITY IS
8 CATEGORICALLY EXEMPT FROM THE PROVISIONS OF CEQA.

9 BOARD STAFF HAVE DETERMINED THAT
10 THIS FINDING IS ADEQUATE FOR THE BOARD'S
11 CONSIDERATION OF THIS PERMIT ACTION.

12 FINALLY, THE PROPOSED PERMIT IS
13 CONSISTENT WITH STANDARDS ADOPTED BY THE BOARD.

14 IN CONCLUSION, STAFF HAVE REVIEWED
15 THE PROPOSED PERMIT AND SUPPORTING DOCUMENTATION
16 AND FOUND THEM TO BE ACCEPTABLE. AND PENDING THE
17 APPROVAL OF THE NDFE AMENDMENT THIS AFTERNOON,
18 BOARD STAFF RECOMMEND THAT THE BOARD ADOPT
19 RESOLUTION NO. 96-388, CONCURRING IN THE ISSUANCE
20 OF SOLID WASTE FACILITIES PERMIT NO. 30-AB-0371.

21 I BELIEVE REPRESENTATIVES OF THE LEA
22 AND THE OPERATOR ARE HERE IF YOU HAVE ANY FURTHER
23 QUESTIONS.

24 CHAIRMAN FRAZEE: ANY QUESTIONS?

25 MEMBER RELIS: I'D BE INTERESTED IN

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1 ASKING THE OPERATOR JUST A FEW QUESTIONS ABOUT THE
2 USE OF THE MATERIAL.

3 MR. SHUBIN: MY NAME IS DON SHUBIN
4 REPRESENTING THE MURAI FARMS TO FIELD ANY
5 QUESTIONS.

6 MEMBER RELIS: THE BOARD'S BEEN INVOLVED
7 IN AN EFFORT TO EXPAND USE OF GREEN MATERIALS AND
8 OTHERS IN COMPOST OPERATIONS. AND I NOTE IN THE
9 WRITEUP THAT YOU HAVE A 600-ACRE FARMING OPERATION
10 THAT, I TAKE IT, THIS IS SUPPLYING MUCH OF THE
11 SOIL AMENDMENT?

12 MR. SHUBIN: YES. THE COMPOST OPERATION
13 SUPPLIES THE FARM, THE 600-ACRE FARMING OPERATION,
14 WITH THE SOIL AMENDMENT.

15 MEMBER RELIS: ARE YOUR PLANS AT THIS
16 TIME JUST TO RESTRICT IT TO THAT, OR WOULD YOU
17 ENVISION -- AND THIS ISN'T -- I'M NOT TRYING TO
18 GET YOU TO COMMIT TO ANYTHING. BUT WOULD -- GIVEN
19 THE FACT THAT YOU'RE IN A FAIRLY STRATEGIC
20 LOCATION, YOU HAVE FARMLAND AND, OF COURSE, A
21 LARGE POPULATION CENTER NEAR, NOT NEXT TO, BUT
22 NEAR, WE'RE ALWAYS FINDING SOME DIFFICULTIES IN
23 GETTING SIZABLE COMPOST FACILITIES SITED NEAR
24 URBAN AREAS. DO YOU HAVE ANY POTENTIAL

INTEREST

25 IN EXPANDING DOWN THE LINE? DO YOU SEE THAT AS

A

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1 PROSPECT?

2 MR. SHUBIN: THAT'S A VERY COMPLICATED
3 DISCUSSION. NO. AT THIS TIME, AT THE PRESENT
4 TIME THEIR INTEREST IS IN THE FARMING -- OUR
5 INTEREST IS IN THE FARMING OPERATION, AND IT'S NOT
6 A COMMERCIAL VENTURE, THE COMPOSTING ACTIVITY.
7 AND IT'S -- I THINK OUR CAPACITY IS 242 TONS A DAY
8 WHICH SUPPLIES OUR USE. AND IT'S CONCEIVABLE,
9 YES. IT'S POSSIBLE, I SUPPOSE, DEPENDENT ON THE
10 LOCAL GOVERNING BODIES AND -- BUT AT THE PRESENT
11 TIME IT'S SOMEWHAT LIMITED TO THE FARM'S USE.

12 MEMBER RELIS: DO YOU FIND THE USE OF
13 COMPOST -- WE HAVE A NUMBER OF AGRICULTURAL
14 DEMONSTRATION PROJECTS ATTEMPTING TO USE CLEAN
15 GREEN AND OTHER MATERIALS. WHAT'S BEEN YOUR
16 EXPERIENCE WITH THE USE OF COMPOST AS A SOIL
17 AMENDMENT FOR THE CROPS THAT YOU GROW? I DON'T
18 KNOW WHAT YOU GROW THERE.

19 MR. SHUBIN: WE'RE UP IN THE HILLS. IT'S
20 A ROW CROP OPERATION, AND WE'RE UP IN THE HILLS.
21 AND OUR SOIL CONDITIONS ARE PROBABLY A SECOND
22 QUALITY TO THE VALLEY FLOOR. SO IT'S A FANTASTIC
23 BENEFIT, ESPECIALLY BECAUSE OUR SOIL CONDITIONS
24 ARE SOMEWHAT SECOND RATED. AND WE'RE APPLYING
25 35 -- ABOUT 35 TONS AN ACRE.

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1 MEMBER RELIS: THIRTY-FIVE.

2 MR. SHUBIN: TWICE A YEAR. EVERY CROP,
3 TWO CROPS A YEAR.

4 MEMBER RELIS: AND YOU GROW TOMATOES.

5 MR. SHUBIN: WE GROW ARTICHOKES,
6 STRAWBERRIES PRIMARILY.

7 MEMBER RELIS: THANK YOU.

8 MR. SHUBIN: THANK YOU.

9 CHAIRMAN FRAZEE: JUST A QUESTION OF
10 STAFF, THE PROCEDURE ON THIS ONE. DO WE NEED TO
11 MOVE THIS WITHOUT RECOMMENDATION BECAUSE WE'VE NOT
12 ADOPTED THE NDFE?

13 MS. RICE: I THINK YOU CAN HANDLE IT THAT
14 WAY IF YOU WANTED. AT THE SPECIAL BOARD MEETING,
15 THE NDFE WILL BE ACTED UPON BY THE TIME YOU SEE
16 THE PERMIT AGAIN, OR YOU COULD ACT ON IT
17 CONTINGENT ON THOSE THINGS OCCURRING.

18 CHAIRMAN FRAZEE: MOTION -- THE
19 CONTINGENT PROCEDURE WOULD BE SATISFACTORY. A
20 MOTION WILL BE IN ORDER ON THIS ITEM.

21 MEMBER RELIS: OKAY. I'LL MOVE
22 CONCURRENCE IN THIS PERMIT DECISION, RESOLUTION
23 96-388.

24 CHAIRMAN FRAZEE: WITH THE
UNDERSTANDING
25 THAT IT'S CONTINGENT UPON THE BOARD ADOPTING

THE

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1 NDFE FOR ORANGE COUNTY AT THE BOARD MEETING.

2 MEMBER PENNINGTON: I'LL SECOND THAT.

3 CHAIRMAN FRAZEE: WE HAVE A MOTION AND

4 SECOND. SECRETARY CALL THE ROLL, PLEASE.

5 THE SECRETARY: COMMITTEE MEMBERS

6 PENNINGTON.

7 MEMBER PENNINGTON: AYE.

8 THE SECRETARY: RELIS.

9 MEMBER RELIS: AYE.

10 THE SECRETARY: CHAIRMAN FRAZEE.

11 CHAIRMAN FRAZEE: AYE. MOTION IS

12 CARRIED, AND THAT WILL BE ON THE WHOLE BOARD

13 SPECIAL MEETING AGENDA THIS AFTERNOON.

14 NOW, ITEM NO. 7 IS THE CONSIDERATION

15 OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID

16 WASTE FACILITY PERMIT FOR THE ALTURAS TRANSFER

17 STATION, MODOC COUNTY.

18 MS. RICE: THANK YOU. TADESE

19 GEBRE-HAWARIAT, I HOPE I SAID THAT CORRECTLY, WILL

20 PRESENT THE ITEM FOR STAFF.

21 MR. GEBRE-HAWARIAT: GOOD MORNING. THE

22 OWNER AND OPERATOR OF THE ALTURAS TRANSFER

23 STATION, THE MODOC COUNTY DEPARTMENT OF PUBLIC

24 WORKS AND MR. JOHN PEDERSEN, THE DIRECTOR.

25 THE PROPOSED PERMIT IS TO ALLOW THE

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1 OPERATION OF A NEW LARGE VOLUME TRANSFER STATION
2 WITHIN THE BOUNDARIES OF THE ALTURAS LANDFILL. AT
3 THE TIME THAT THIS COMMITTEE ITEM WAS PREPARED,
4 INFORMATION REGARDING FACILITY COMPLIANCE WITH THE
5 STATE MINIMUM STANDARDS, CONFORMANCE WITH THE
6 COUNTY SOLID WASTE MANAGEMENT PLAN, AND
7 CONSISTENCY WITH THE COUNTY GENERAL PLAN WERE
8 STILL UNDER REVIEW.

9 THE REVIEW AND ANALYSIS HAVE SINCE
10 BEEN COMPLETED, AND THE LEA AND BOARD STAFF HAVE
11 DETERMINED THAT ALL THE REQUIRED FINDINGS HAVE
12 BEEN MADE. ONE, THAT THE ALTURAS TRANSFER STATION
13 IS CONSISTENT WITH THE GENERAL PLAN OF THE COUNTY
14 OF MODOC, THE FACILITY IS LOCATED IN LAND USE
15 AREAS AUTHORIZED FOR SOLID WASTE FACILITIES, IN
16 THAT THE OPERATION OF THE TRANSFER STATION IS
17 COMPATIBLE WITH THE SURROUNDING LAND USE.

18 TWO, THAT THIS NEW FACILITY HAS BEEN
19 APPROVED BY THE COUNTY AND MAJORITY OF THE CITIES
20 WITHIN THE COUNTY WHICH CONTAIN THE MAJORITY OF
21 POPULATION, AND FACILITY'S IDENTIFIED AND
22 DESCRIBED IN THE NONDISPOSAL FACILITY ELEMENT OF
23 THE COUNTY PLAN.

24 THREE, THAT THE OPERATIONS OF THE
25 TRANSFER STATION WERE FOUND TO BE IN COMPLIANCE

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1 WITH STATE MINIMUM STANDARDS UPON FACILITY
2 INSPECTION ON OCTOBER 3, 1996.

3 AND, FOUR, THAT CEQA HAS BEEN
4 COMPLIED WITH.

5 STAFF REVIEWED THE PROPOSED PERMIT
6 AND SUPPORTING DOCUMENTATION AND HAVE FOUND THEM
7 TO BE ACCEPTABLE FOR CONSIDERATION BY THE BOARD.

8 IN CONCLUSION, STAFF RECOMMEND THAT
9 THE BOARD ADOPT SOLID WASTE FACILITY PERMIT
10 DECISION NO. 96-421, CONCURRING IN THE ISSUANCE OF
11 SOLID WASTE FACILITY PERMIT NO. 25-AA-0027.

12 ABOUT THE ONLY THING I WILL ADD IS
13 THAT WHEN THE ITEMS, BOTH FOR THE COMMITTEE AND
14 THE BOARD, WERE PREPARED, WE DIDN'T HAVE A
15 RECOMMENDATION; THEREFORE, THE RESOLUTION WAS NOT
16 ATTACHED. THE RESOLUTION WILL BE DISTRIBUTED
17 DURING THE FULL BOARD MEETING. AND I ALSO WOULD
18 LIKE TO SAY THAT THE LEA, MR. ERNIE GUNTHER, AND
19 THE OPERATOR, MR. JOHN PEDERSEN, ARE HERE TO
20 ANSWER ANY QUESTIONS YOU MAY HAVE. AND THIS
21 CONCLUDES STAFF PRESENTATION.

22 CHAIRMAN FRAZEE: THANK YOU. ANY
23 QUESTIONS ON THIS ITEM?

24 MEMBER PENNINGTON: WHAT IS THE
25 RESOLUTION NUMBER?

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1 MEMBER RELIS: 36-421. I'LL MOVE

2 RESOLUTION 96-421, CONCURRENCE.

3 MEMBER PENNINGTON: I'LL SECOND.

4 CHAIRMAN FRAZEE: MOTION AND SECOND ON

5 THE ADOPTION OF RESOLUTION APPROVING THIS

6 FACILITY. SECRETARY WILL CALL THE ROLL, PLEASE.

7 THE SECRETARY: COMMITTEE MEMBERS

8 PENNINGTON.

9 MEMBER PENNINGTON: AYE.

10 THE SECRETARY: RELIS.

11 MEMBER RELIS: AYE.

12 THE SECRETARY: CHAIRMAN FRAZEE.

13 CHAIRMAN FRAZEE: AYE. MOTION IS

14 CARRIED. THAT ITEM WILL BE ON THE SPECIAL

BOARD

15 MEETING AGENDA THIS AFTERNOON.

16 ITEM 8 HAS BEEN PULLED. ITEM --

17 THAT'S ALL THE PERMIT ITEMS.

18 ITEM 9 IS THE CONSIDERATION OF

19 POLICY ON REGULATORY ACTION FOR PERMITS WHERE

THE

20 PROJECT IS CONTINGENT UPON A GOVERNMENT LAND

21 TRANSFER. THIS IS AN ITEM WE PREVIOUSLY PUT

OVER

22 AND IS BACK TO US AGAIN.

23 MS. RICE: I WILL A MAKE BRIEF

24 PRESENTATION FOR STAFF. THIS ITEM ADDRESSES
THE
25 QUESTION OF WHETHER CURRENT BOARD REGULATIONS

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1 WHICH REQUIRE THE LANDOWNER'S SIGNATURE ON THE
2 APPLICATION FOR A SOLID WASTE FACILITIES PERMIT
3 SHOULD BE MODIFIED IN SPECIAL INSTANCES. THE
4 SPECIFIC INSTANCES THAT THE ITEM ADDRESSES ARE
5 THOSE PERMITS WHERE THE PROPOSED LANDFILL PROJECT
6 IS CONTINGENT ON A GOVERNMENT LAND TRANSFER.

7 THE ISSUE IS RAISED BECAUSE THE LAND
8 TRANSFER PROCESS IS TIME-CONSUMING AND
9 ACCOMPANYING APPEALS MAY RESULT IN DELAYS OF UP TO
10 SEVERAL YEARS. A RELATED ISSUE RAISED DUE TO
11 THESE DELAYS, WHICH CAN ACCOMPANY THE LAND
12 TRANSFER, IS CONCERN THAT REGULATORY REQUIREMENTS
13 MAY CHANGE DURING THIS PERIOD OF TIME AND THAT,
14 BECAUSE OF THIS, DOCUMENTS PREPARED IN COMPLIANCE
15 WITH REGULATIONS AT THE TIME OF THEIR PREPARATION
16 MAY NEED TO BE REVISED BY THE TIME THE LANDOWNER'S
17 SIGNATURE REQUIREMENT CAN BE SATISFIED.

18 IN THIS REGARD SPECIFIC CONCERNS
19 HAVE BEEN RAISED ABOUT CHANGES WHICH MAY RESULT
20 FROM THE AB 1220 RULEMAKING PROCESS WHICH IS
21 CURRENTLY UNDER WAY.

22 IN RESPONSE TO COMMITTEE DIRECTION
23 ON THESE ISSUES, THIS ITEM BEFORE YOU TODAY
24 PROPOSES FOUR OPTIONS FOR YOUR CONSIDERATION.
25 ONE, DIRECT STAFF TO MODIFY THE APPLICABLE

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1 REGULATIONS TO ALLOW THE OWNER IN THESE INSTANCES
2 TO SIGN THE CERTIFICATION EITHER AT THE TIME OF
3 APPLICATION OR PRIOR TO COMMENCEMENT OF FACILITY
4 OPERATIONS.

5 TWO, DIRECT STAFF TO ADDRESS THE
6 ISSUE OF REGULATORY REQUIREMENTS WHICH CHANGE
7 BETWEEN THE TIME PERMIT APPLICATIONS ARE
SUBMITTED

8 AND DETERMINED TO BE COMPLETE WITHIN THE CURRENT
9 AB 1220 PERMIT, WHICH WE ARE WORKING ON RIGHT
NOW.

10 THREE, DIRECT SOME OTHER
APPROPRIATE

11 REGULATORY ACTION WHICH YOU MAY DISCUSS OR;
FOUR,

12 TAKE NO ACTION ON THE ISSUE AT THIS TIME.

13 AS NOTED IN THE ITEM, STAFF ARE
14 RECOMMENDING THAT YOU ADOPT OPTION 2 AND FORWARD
15 YOUR RECOMMENDATION TO THE BOARD OR DIRECT US TO
16 PROCEED WITH THAT UNDERSTANDING WITHOUT
FORWARDING

17 IT TO THE BOARD, AS YOU MAY WISH. WITH YOUR
18 APPROVAL, STAFF WOULD THEN ADDRESS THIS ISSUE OF
19 CHANGING REQUIREMENTS WHICH MAY AFFECT
20 APPLICATIONS IN THE AB 1220 DRAFT REGULATIONS
WITH

21 A GRANDFATHERING CLAUSE, WHICH WOULD THEN BE
22 BEFORE YOU FOR YOUR CONSIDERATION WHEN YOU LOOK
AT

23 THAT ENTIRE REGULATORY PACKAGE IN THE NEAR
FUTURE.

24 AND THAT CONCLUDES MY
PRESENTATION.

25 CHAIRMAN FRAZEE: QUESTIONS ON THIS?

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1 MEMBER RELIS: JUST A GENERAL QUESTION
2 ABOUT THE OUTSET. IF WE WERE TO ADOPT THE
3 RECOMMENDATION BY STAFF -- THIS IS TO COUNSEL --
4 DO WE HAVE ANY PROBLEMS WITH STATUTORY AUTHORITY
5 TO GRANDFATHER PROVISIONS? THAT'S ALLOWED? WE
6 HAVE BROAD ABILITY TO DO THAT?

7 MS. TOBIAS: I DON'T THINK THAT'S A
8 PROBLEM SO LONG AS WE'RE DOING IT IN THE
9 REGULATION. THERE WOULD BE THE OPPORTUNITY, IF
10 ANYBODY DISAGREED WITH THAT APPROACH, TO RAISE IT
11 DURING THAT TIME, BUT I DON'T SEE A STATUTORY
12 PROBLEM AT THIS TIME.

13 MEMBER RELIS: WOULD THIS BE -- IF WE DID
14 THAT SORT OF, WHAT WOULD BE THE APPLICABILITY OF
15 OUR ACTION TO OTHER -- WOULD THIS BE RESTRICTED TO
16 THE TYPE OF CONTEXT THAT WE HAVE HERE OR --

17 MS. TOBIAS: RIGHT.

18 MEMBER RELIS: -- BROADER MEANING?

19 MS. TOBIAS: NO. I THINK IT'S PRETTY
20 MUCH RESTRICTED TO THIS SITUATION. REALLY ALL
21 WE'RE DOING IS SAYING THAT THE CURRENT LAW IS THE
22 WAY THAT IT'S GOING TO BE APPROACHED, THAT IN
23 ORDER TO -- MOSTLY JUST THAT THE APPLICANTS CAN
24 USE WHAT THEY'RE ALREADY DOING IN THE FUTURE SO
25 THAT THEY'RE NOT FORCED TO GO THROUGH THE SAME

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1 PROCEDURE TWICE. SO I DON'T REALLY SEE IT AS
2 HAVING ANY KIND OF RAMIFICATIONS FOR THE FUTURE.

3 REALLY WE'RE KIND OF TALKING ABOUT
4 FORMS AT THIS POINT. YOU KNOW, CAN YOU USE THE
5 PREVIOUS FORM THAT YOU'VE USED TO SUBMIT YOUR
6 INFORMATION OR THE NEW ONE? WE'RE JUST SAYING YOU
7 CAN USE WHAT YOU PREPARED BEFORE AT THE TIME THAT
8 YOU WERE COMING IN.

9 MEMBER RELIS: SO WHATEVER EMERGES OUT OF
10 THE FINAL RESOLUTION OF 1220, THEY WOULD BE --
11 WHOEVER IS AFFECTED BY THIS WOULD BE USING THEIR
12 OLD PACKAGE, AND WE WOULDN'T BE ASKING FOR ANY
13 CHANGES IN THAT.

14 MS. TOBIAS: RIGHT. I THINK WE ALSO
15 INDICATED THAT IF THERE WERE CHANGES IN THE LAW BY
16 THAT TIME, SUCH AS AN ADDITIONAL REQUIREMENT, THAT
17 THEY WOULD HAVE TO MEET THAT. SO THEY'RE REALLY
18 NOT BEING EXEMPTED IN ANY WAY FROM THINGS THAT WE
19 MIGHT HAVE TO DO IN THE FUTURE WITH HEALTH AND
20 SAFETY KINDS OF REASONS. SO ESSENTIALLY THEY CAN
21 USE THEIR SAME PACKET, BUT THEY MIGHT HAVE TO
22 AUGMENT IT IF THERE WAS A CHANGE.

23 CHAIRMAN FRAZEE: SO WE HAVE A STAFF
24 RECOMMENDATION. I AGREE THAT'S THE APPROPRIATE.

25 MEMBER PENNINGTON: I HAVE NO QUESTIONS,

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1 AND I'LL MOVE THE STAFF RECOMMENDATION, WHICH IS
2 OPTION NO. 2.

3 MEMBER RELIS: I'LL SECOND.

4 CHAIRMAN FRAZEE: MOTION AND A SECOND FOR
5 ADOPTION OF STAFF RECOMMENDATION OPTION NO. 2 ON
6 THE AGENDA ITEM. SECRETARY WILL CALL THE ROLL.

7 LET ME ASK FIRST IF THERE'S ANYONE
8 HERE TO BE HEARD ON THIS ITEM. IF NOT, SECRETARY
9 WILL CALL THE ROLL.

10 THE SECRETARY: COMMITTEE MEMBERS
11 PENNINGTON.

12 MEMBER PENNINGTON: AYE.

13 THE SECRETARY: RELIS.

14 MEMBER RELIS: AYE.

15 THE SECRETARY: CHAIRMAN FRAZEE.

16 MEMBER PENNINGTON: AYE.

17 CHAIRMAN FRAZEE: AYE. MOTION IS
18 CARRIED.

19 MEMBER RELIS: THAT SHOULD SETTLE THIS
20 LONG --

21 MS. RICE: POINT OF CLARIFICATION. DID
22 YOU WISH THIS ITEM GO TO THE FULL BOARD, OR CAN
23 WE

23 JUST TAKE YOUR DIRECTION IN THE RULEMAKING
PROCESS

24 TO ADDRESS THIS ISSUE?
25 CHAIRMAN FRAZEE: INASMUCH AS THAT THE

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1 WHOLE THING WILL COME BACK ONCE THE 1220 REGS ARE
2 FINALIZED, I DON'T THINK THERE'S ANY NEED FOR THE
3 FULL BOARD.

4 MS. RICE: THANK YOU.

5 CHAIRMAN FRAZEE: NOW WE'RE READY FOR
6 ITEM 10, THE CONSIDERATION OF ALLOCATION OF THE
7 1996-1997 SOLID WASTE DISPOSAL AND CODISPOSAL SITE
8 CLEANUP PROGRAM FUND, ALSO KNOWN AS AB 2136.

9 MS. RICE: THANK YOU. MARGE ROUCH WILL
10 MAKE THIS PRESENTATION.

11 MS. ROUCH: GOOD MORNING, CHAIRMAN FRAZEE
12 AND COMMITTEE MEMBERS. TODAY THE 2136 PROGRAM IS
13 BRINGING YOU THE PROGRAM FUNDING ALLOCATIONS FOR
14 YOUR CONSIDERATION. LAST MONTH STAFF BROUGHT
15 FORWARD A PROGRAM POLICY ITEM FOR YOUR
16 CONSIDERATION, AND IT WAS DETERMINED BY COMMITTEE
17 TO OPERATE UNDER EXISTING BOARD APPROVED POLICIES.

18 THEREFORE, TODAY WE ARE ASKING YOU
19 TO APPROVE PLACING \$2,500,000 INTO A LOAN AND
20 GRANT FUNDING MECHANISM AND \$1,610,743 IN TO
21 AUGMENT EXISTING BOARD CONTRACTS.

22 AND THAT IS THE END OF MY
23 PRESENTATION.

24 CHAIRMAN FRAZEE: OUR FLEXIBILITY IN
25 MOVING THAT TWO AND A HALF MILLION OVER TO FURTHER

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1 EXPANSION OF BOARD CONTRACTS IS THAT --

2 MS. ROUCH: TWO AND A HALF MILLION GOES
3 INTO THE GRANTS ALONE.

4 CHAIRMAN FRAZEE: SUPPOSING WE DON'T HAVE
5 APPLICATIONS FOR GRANTS AND LOANS?

6 MS. ROUCH: AT THE END OF THE FISCAL
7 YEAR, WE COULD PUT THOSE INTO THE CONTRACTS.

8 CHAIRMAN FRAZEE: THIS WOULD LOCK IT INTO
9 THE FISCAL YEAR.

10 MS. ROUCH: YES.

11 CHAIRMAN FRAZEE: QUESTIONS?

12 MEMBER PENNINGTON: NO. I THINK I'M
13 PRETTY WELL COVERED ON THIS.

14 CHAIRMAN FRAZEE: I'VE -- I'VE SPENT A
15 LOT OF TIME WORRYING OVER THIS WHOLE PROGRAM. AND
16 I GUESS THE LONGER YOU SPEND ON IT, THE BETTER YOU
17 UNDERSTAND IT. I BELIEVE WE'RE ON THE RIGHT TRACK
18 AT THIS POINT, CONSIDERING WHAT THE ALTERNATIVES
19 WOULD BE. SO I'M CERTAINLY SUPPORTIVE OF THIS
20 DIVISION OF THE FUNDS FOR THE FISCAL YEAR.

21 A MOTION WOULD BE IN ORDER.

22 MEMBER RELIS: MR. CHAIR, I'LL MOVE THE
23 STAFF RECOMMENDATION.

24 MEMBER PENNINGTON: I'LL SECOND.

25 CHAIRMAN FRAZEE: HAVE A MOTION AND

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1 SECOND FOR APPROVAL OF THE PROPOSED ALLOCATION OF
2 AB 2136 FUNDS FOR THE '96-'97 FISCAL YEAR.
3 SECRETARY WILL CALL THE ROLL ON THAT ONE, PLEASE.

4 THE SECRETARY: COMMITTEE MEMBERS
5 PENNINGTON.

6 MEMBER PENNINGTON: AYE.

7 THE SECRETARY: RELIS.

8 MEMBER RELIS: AYE.

9 THE SECRETARY: CHAIRMAN FRAZEE.

10 CHAIRMAN FRAZEE: AYE. MOTION IS
11 CARRIED.

12 NOW, ITEM NO. 11, THE CONSIDERATION
13 OF A BOARD ENFORCEMENT POLICY WHICH PROVIDES
14 GUIDANCE FOR LEA ENFORCEMENT PROGRAMS AND FOR
15 BOARD STAFF.

16 MS. RICE: PAUL WILLMAN WILL MAKE THE
17 PRESENTATION. THANK YOU.

18 MR. WILLMAN: GOOD MORNING, COMMITTEE
19 MEMBERS. THIS ITEM IS CONSIDERATION OF A BOARD
20 ENFORCEMENT POLICY. LITTLE BIT OF BACKGROUND ON
21 IT. AS A RESULT OF RECENT BOARD DIRECTION TO
22 ADDRESS SOME OUTSTANDING ENFORCEMENT ISSUES AND AS
23 A RESULT OF THE PARTNERSHIP 2000 EFFORT BETWEEN
24 THE BOARD AND THE LEA'S, A JOINT WORK GROUP WAS
25 FORMED TO LAUNCH THE BOARD ENFORCEMENT POLICY

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1 CONCEPT IN AUGUST OF 1996.

2 THE ENFORCEMENT POLICY IS GENERALLY
3 INTENDED TO FULFILL THE BOARD'S RESPONSIBILITIES
4 REGARDING LEA ENFORCEMENT PROGRAMS TO, NO. 1,
5 PROVIDE TECHNICAL ASSISTANCE, TRAINING, SUPPORT,
6 AND GUIDANCE TO LEA'S. NO. 2, INSURE THAT LEA'S
7 KEEP THE FACILITIES IN THEIR JURISDICTIONS IN
8 COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS.

9 THE WORK GROUP DECIDED THAT THIS WAS
10 ACTUALLY THE MAIN GOAL OF THE ENFORCEMENT POLICY
11 IS TO GET THE FACILITIES INTO COMPLIANCE IN ORDER
12 TO PROTECT PUBLIC HEALTH, SAFETY, AND THE
13 ENVIRONMENT.

14 ANOTHER PURPOSE OF THE POLICY WAS TO
15 EVALUATE THE EFFECTIVENESS OF THE LEA PROGRAMS.
16 AND THEN, FINALLY, AS A BACKUP MECHANISM, TO TAKE
17 APPROPRIATE ENFORCEMENT ACTION SHOULD AN LEA FAIL
18 TO DO SO.

19 SO THAT'S, IN GENERAL, WHAT THE
20 POLICY INTENDS TO DO. THE POLICY ALSO ADDRESSES
21 THE FOLLOWING SPECIFIC ISSUES: CLARIFY THE
22 BOARD'S STATE OVERSIGHT ROLE OF LEA ENFORCEMENT
23 PROGRAMS; TWO, DEVELOP STRATEGIES TO BRING
24 FACILITIES WITH CHRONIC VIOLATIONS INTO
25 COMPLIANCE.

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1 AND CURRENTLY THERE ARE 44
2 FACILITIES ON THE INVENTORY, AND THAT'S THE
3 MECHANISM OR THE FORUM WE'RE GOING TO USE TO SAY,
4 "OKAY. WELL, AS FAR AS STATE MINIMUM STANDARDS
5 ARE CONCERNED, IF IT'S ON THE INVENTORY, IT'S
6 CHRONIC." OKAY.

7 AND SO AT THIS TIME THERE'S 44
8 FACILITIES ON THE INVENTORY, AND WE'VE ALSO
9 IDENTIFIED 52 FACILITIES WITH SIGNIFICANT CHANGE
10 VIOLATIONS, 35 OF WHICH HAVE BEEN IN VIOLATION FOR
11 AT LEAST TWO YEARS. SO THAT'S ANOTHER 35 WHAT WE
12 CONSIDER CHRONIC VIOLATIONS. SO THAT'S THE
13 MAGNITUDE OF THE PROBLEM AS FAR AS THE CHRONIC
14 VIOLATIONS.

15 ANOTHER SPECIFIC ISSUE WOULD BE
16 CONSIDER ENFORCEMENT ALTERNATIVES FOR BRINGING
17 FACILITIES WITH SIGNIFICANT CHANGE PERMIT
18 VIOLATIONS INTO COMPLIANCE IN A MORE TIMELY
19 MANNER.

20 NO. 4 WOULD BE PROVIDE TECHNICAL
21 ASSISTANCE AND TRAINING TO LEA'S ON SPECIFIC
22 INSPECTION AND ENFORCEMENT TOPICS, SUCH AS
23 LANDFILL GAS MONITORING AND CONTROL.

24 NOW, THE ENFORCEMENT POLICY WILL
25 FULFILL THE BOARD'S RESPONSIBILITY AND ADDRESS

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1 ISSUES THROUGH THE DEVELOPMENT AND IMPLEMENTATION
2 OF THE FOLLOWING SIX POLICY ELEMENTS. THE FIRST
3 ONE IS AN ENFORCEMENT ADVISORY, WHICH IS A
4 COMPREHENSIVE DOCUMENT WHICH WILL CLARIFY -- GIVE
5 CLARIFICATION AND GUIDANCE TO LEA'S REGARDING CASE
6 DEVELOPMENT AND VARIOUS ENFORCEMENT OPTIONS
7 AVAILABLE TO LEA'S. THIS WOULD INCLUDE THE
8 DEVELOPMENT AND ISSUANCE OF A NOTICE AND ORDER,
9 THE ASSESSMENT OF ADMINISTRATIVE CIVIL PENALTIES.
10 ALSO INCLUDED WILL BE A SECTION ON LEGAL AND
11 TECHNICAL ASSISTANCE AVAILABLE FROM THE BOARD.

12 THIS DOCUMENT WILL BE ONE OF THE
13 MAIN SOURCES FOR TRAINING LEA'S, WHICH IS ANOTHER
14 ONE OF THE ELEMENTS I'LL TALK A LITTLE BIT MORE
15 ABOUT LATER.

16 ATTACHMENT 1 OF YOUR AGENDA ITEM
17 CONTAINS AN OUTLINE AND SUMMARY OF THIS
18 ENFORCEMENT ADVISORY ELEMENT. THE FIRST
DRAFT HAS

19 BEEN COMPLETED, AND IT IS UNDER INTERNAL
BOARD

20 STAFF-LEA WORK GROUP REVIEW. ALL LEA'S WILL
HAVE

21 A CHANCE TO REVIEW AND COMMENT ON THIS
ADVISORY

22 STARTING PROBABLY LATE OCTOBER.

23 ALSO, IN DEVELOPING THIS
DOCUMENT,

24 IT WAS CLEAR THAT SOME REGULATIONS ARE GOING
TO BE
25 NEEDED FOR AB 59 CLEANUP LANGUAGE AND
POSSIBLY FOR

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1 ADMINISTRATIVE CIVIL PENALTY IMPLEMENTATION.

2 THE SECOND ELEMENT IS ANOTHER
3 ADVISORY. IT'S A HEARING PANEL ADVISORY. AND AB
4 59, SOME OF THE CHANGES BROUGHT ABOUT -- REALLY
5 EMPHASIZE HEARING PANELS AS AN IMPORTANT COMPONENT
6 OF ENFORCEMENT PROCESS FOR LEA'S. AND SO THIS
7 ADVISORY WOULD BE TO PROVIDE GUIDANCE WHICH WOULD
8 LEAD THE LEA'S THROUGH THE HEARING PANEL PROCESS,
9 THEIR LOCAL PROCESS, AND INCLUDING THE APPEAL
10 PROCESS TO THE BOARD. AND THIS WILL ALSO BE
11 ANOTHER MAIN DOCUMENT USED IN THE TRAINING NEXT
12 YEAR.

13 THE FIRST DRAFT IS CURRENTLY UNDER
14 DEVELOPMENT, AND THERE IS A POSSIBILITY THAT
15 REGULATIONS MIGHT HAVE TO BE DEVELOPED FOR THIS.
16 THAT'S GOING TO BE LOOKED AT A LITTLE MORE
17 CLOSELY.

18 THE THIRD ELEMENT IS THE INSPECTION
19 AND ENFORCEMENT TRAINING PROGRAM. THIS IS A
20 THREE-PART PROGRAM WHICH EMPHASIZES A PARTNERSHIP
21 OF COMPLIANCE BETWEEN THE BOARD, LEA'S, AND
22 OPERATORS. THE FIRST PART IS LANDFILL GAS
23 MONITORING AND CONTROL, AND THAT'S TENTATIVELY
24 SCHEDULED FOR FEBRUARY, MARCH. THAT'S GOING TO
25 INCLUDE BOARD STAFF, LEA'S, AS WELL AS OPERATORS.

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1 OKAY. WE'RE TRYING TO GET THE
2 OPERATORS ON BOARD ON ANY TIME WE'RE LOOKING AT
3 STATE MINIMUM STANDARDS, AND WE'VE KIND OF DONE A
4 LITTLE PILOT PROJECT OUT OF THE REDLANDS OFFICE OF
5 THIS TYPE, AND THE OPERATORS HAVE REALLY RECEIVED
6 IT WELL AND IT APPEARS TO HAVE HELPED.

7 PART 2 IS INVESTIGATIVE TECHNIQUES,
8 ENFORCEMENT OPTIONS, AND STRATEGIES. AND THIS
9 WOULD JUST BE BOARD AND LEA'S. OPERATORS WOULD
10 NOT BE COMING TO THIS ONE. WHAT WE WANT TO DO IN
11 THIS SESSION IS TO UTILIZE THE LEA'S EXPERTISE AS
12 FAR AS PARTICULARLY ENFORCEMENT STRATEGIES THAT
13 HAVE WORKED AND THAT PERHAPS HAVEN'T WORKED SO
14 THAT, YOU KNOW, WE CAN GET SOME CROSS TRAINING
15 BETWEEN LEA'S AND GET SOME OF THE BEST
ENFORCEMENT

16 STRATEGIES OUT THERE TO SOME OF THE LEA'S THAT
17 MIGHT NEED THEM.

18 PART 3 WOULD BE INSPECTIONS AND THE
19 APPLICATION OF STATE MINIMUM STANDARDS, AND THAT
20 WOULD INCLUDE BOARD, LEA'S, AND OPERATORS, AND
21 THAT WOULD BE SCHEDULED FOR OCTOBER, NOVEMBER OF
22 NEXT YEAR.

23 THE FOURTH ELEMENT IS CALLED THE
24 PERMIT COMPLIANCE STRATEGY, AND THERE ARE TWO
MAIN

25 PURPOSES FOR THE PERMIT COMPLIANCE STRATEGY. AND

45

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1 THE FIRST ONE IS BRINGING ALL FACILITIES INTO
2 COMPLIANCE WITH PERMITTING REQUIREMENTS BY A DATE
3 CERTAIN.

4 ATTACHMENT 2 OF YOUR AGENDA ITEM IS
5 A LIST OF THE FACILITIES WITH SIGNIFICANT CHANGE
6 VIOLATIONS. THERE'S 52 TOTAL, AS I MENTIONED
7 BEFORE. THERE ARE 35 WHICH HAVE BEEN IN VIOLATION
8 FOR TWO YEARS OR MORE. SO THAT LIST HAS BEEN
9 COMPILED. AND THEN FURTHER, PERMITTING STAFF HAS
10 SURVEYED LEA'S ON WHAT THEY FEEL ARE THE MAIN
11 OBSTACLES IN THE WAY OF GETTING THESE PERMITS
12 REVISED OR THESE FACILITIES INTO COMPLIANCE. AND
13 SO WE'VE COMPILED THAT INFORMATION. AND THE NEXT
14 STEP IS FOR THE WORK GROUP TO RECONVENE, WHICH
15 WE'RE GOING TO BE DOING THE LAST WEEK OF THIS
16 MONTH, TO START LOOKING AT, YOU KNOW, THE LEA'S
17 INPUT, WHAT KINDS OF STRATEGIES WE CAN IMPLEMENT
18 TO OVERCOME THESE OBSTACLES AND GET THESE
19 FACILITIES INTO COMPLIANCE IN A MORE TIMELY
20 MANNER.

21 THE SECOND PURPOSE OF THE PERMIT
22 COMPLIANCE STRATEGY IS TO ADDRESS THE PROBLEMS
23 PRESENTED BY THE PERMIT ENFORCEMENT POLICY, WHICH
24 THE PRACTICE OF USING NOTICE AND ORDERS TO ALLOW
25 OPERATORS TO OPERATE FACILITIES WITH SIGNIFICANT

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1 CHANGE PERMIT VIOLATIONS WHILE REVISING THEIR
2 PERMITS SOMETIMES FOR TWO OR THREE OR FOUR YEARS.

3 IT'S CLEAR IN STATUTE THAT 44004
4 REQUIRES A REVISION PRIOR TO MAKING SIGNIFICANT
5 CHANGES. WE HAVE 52 SITES RIGHT NOW THAT ARE
6 UNDER NOTICE AND ORDERS ALLOWING THEM TO DO THIS.
7 IT KIND OF CIRCUMVENTS THE WHOLE PURPOSE OF A
8 PERMIT.

9 SO THE GOAL IS FOR THE WORK GROUP
TO
10 DEVELOP ENFORCEMENT ALTERNATIVES TO THIS CURRENT
11 PRACTICE. AGAIN, THE WORK GROUP WILL BE MEETING
12 SOON TO DEVELOP THESE STRATEGIES, AND SOME OF IT
13 WILL BE BASED ON LEA SURVEY INPUT, BUT THERE'S A
14 STRONG LIKELIHOOD OF REGULATIONS FOR EITHER ONE
OR
15 BOTH OF THESE ASPECTS OF THIS ELEMENT.

16 THE FIFTH ELEMENT IS THE FIELD
17 INSPECTION PROGRAM. AND THAT'S JUST THE EXISTING
18 PROGRAM THAT WE HAVE NOW WHERE BOARD STAFF
19 CONDUCTS INSPECTIONS IN CONJUNCTION WITH LEA'S
AND
20 OFFERS FOLLOW-UP ENFORCEMENT ASSISTANCE TO THE
21 LEA'S.

22 THE SIXTH ELEMENT IS STATE
OVERSIGHT

23 ROLE PROCEDURES. AND THIS IS A PROCEDURAL
24 DOCUMENT FOR REVIEWING CHRONIC VIOLATIONS OR
25 VIOLATIONS WHICH THREATEN PUBLIC HEALTH AND
SAFETY

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1 OR THE ENVIRONMENT. AND THOSE ARE THE TWO
2 TRIGGERS THAT WOULD CAUSE BOARD STAFF TO ACTUALLY
3 TAKE A LOOK MORE CLOSELY AT WHAT LEA'S AND
4 OPERATORS ARE DOING.

5 AND THE MAIN ELEMENTS -- ACTUALLY
6 THIS DOCUMENT INCLUDES, NO. 1, CRITERIA FOR
7 DETERMINING WHEN AN LEA IS FAILING TO TAKE
8 APPROPRIATE ENFORCEMENT ACTION. AND, OF COURSE,
9 THERE ARE ACTIONS THAT ARE MANDATED BY STATUTE OR
10 REGULATIONS, AND IN THOSE CASES WE WOULD BE
11 LOOKING TO MAKE SURE THAT THE LEA IS TAKING ACTION
12 AS MANDATED BY STATUTE AND REGULATIONS, BUT FOR
13 THE MOST PART STATUTE AND REGULATIONS DO GIVE
14 LEA'S A WIDE LATITUDE IN TAKING ENFORCEMENT
15 ACTIONS.

16 AND THIS IS KIND OF A POLICY SHIFT
17 THAT WE'RE PROPOSING HERE IS THAT WHERE THERE IS
18 NO MANDATED ACTION BY STATUTE OR REGS, THAT WE
19 WOULD EMPHASIZE LEA PERFORMANCE IN GETTING THE
20 OPERATOR INTO COMPLIANCE RATHER THAN REQUIRING
21 SOME SPECIFIC ENFORCEMENT ACTION FOR A PARTICULAR
22 FACILITY VIOLATION. OKAY.

23 SO WE WOULD FIRST LOOK AT IS THE
24 OPERATOR MAKING PROGRESS RATHER THAN WHAT IS THE
25 LEA DOING. OKAY. AND, SECONDLY, IF THE OPERATOR

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1 IS NOT MAKING PROGRESS, THEN, OF COURSE, WE WOULD
2 HAVE TO LOOK AT WHAT THE LEA IS DOING TO MAKE SURE
3 THEY WERE EITHER IN THE PROCESS YOU OF OR PLANNING
4 ON ESCALATING THEIR ENFORCEMENT ACTION IN ORDER TO
5 GET SOME PROGRESS. OKAY.

6 THE SECOND MAIN PART OF THIS ELEMENT
7 IS PROTOCOL FOR THE BOARD TAKING ENFORCEMENT
8 ACTION WHEN LEA FAILS TO DO SO. AND, OF COURSE,
9 THIS WOULD BE AN ABSOLUTE LAST RESORT. WE WOULD
10 BE LOOKING AT ENCOURAGING THE LEA'S TO TAKE
11 APPROPRIATE ACTION PRIOR TO THIS POINT AND
12 ASSISTING THEM AND ALL THE THINGS THAT I MENTIONED
13 BEFORE IN MOST OF THE OTHER ELEMENTS.

14 THIS DOCUMENT WILL ALSO ADDRESS THE
15 LINKAGE OF LEA ENFORCEMENT PERFORMANCE AND THE LEA
16 REVIEW PROCESS. FIRST DRAFT IS ALMOST COMPLETED;
17 AND AS FAR AS THE NEED FOR REGULATIONS, I WOULD
18 ANTICIPATE THAT SOME REGULATIONS WOULD PROBABLY BE
19 NEEDED FOR THIS ELEMENT.

20 IN SUMMARY, THE ENFORCEMENT POLICY
21 CONCEPT THAT I'M PRESENTING TO YOU TODAY IS
22 BASICALLY AN UMBRELLA DOCUMENT WHICH TIES TOGETHER
23 THESE SIX IMPLEMENTATION ELEMENTS, WHICH ARE THE
24 REAL SUBSTANCE OF THE POLICY. AND AS SUCH, STAFF
25 PLANS TO COME BACK BEFORE THE COMMITTEE IN JANUARY

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1 OF 1997 WITH KEY ELEMENTS NOS. 1, 4, AND 6, WHICH
2 ARE THE ENFORCEMENT ADVISORY, THE PERMIT
3 COMPLIANCE STRATEGY, AND THE STATE OVERSIGHT ROLE
4 PROCEDURES FOR THE COMMITTEE'S AND BOARD'S
5 CONSIDERATION AND INPUT. OKAY.

6 AS I'VE INDICATED, SOME OF THE
7 ELEMENTS WILL ENTAIL THE PROMULGATION OF
8 REGULATIONS, AND THE NEED FOR THESE REGS AND THEIR
9 RELATIVE SCOPE WILL BE IDENTIFIED AS EARLY AS
10 POSSIBLE AS THE VARIOUS ELEMENTS ARE MORE FULLY
11 DEVELOPED.

12 IN CONCLUSION, BOARD STAFF
13 RECOMMENDS THAT THE COMMITTEE APPROVE THE
14 ENFORCEMENT POLICY AS PRESENTED TO YOU TODAY. AND
15 THIS CONCLUDES STAFF PRESENTATION. IF YOU HAVE
16 ANY QUESTIONS, I'D BE HAPPY TO ANSWER THEM.

17 MS. RICE: A FEW COMMENTS BEFORE YOU
18 PROCEED, IF I MIGHT. JUST ONE POINT OF
19 CLARIFICATION ON THE STAFF RECOMMENDATION. I
20 MIGHT SUGGEST THAT THE WORDING BE "APPROVE THE
21 ENFORCEMENT POLICY FRAMEWORK AND APPROACH AS
22 PRESENTED IN THIS ITEM" GIVEN THAT, AS PAUL HAS
23 INDICATED, THE SUBSTANCE OF SEVERAL OF THESE
24 ISSUES WILL BE BEFORE YOU IN JANUARY. REALLY WHAT
25 WE'RE ASKING FOR TODAY IS CONCURRENCE FROM YOU

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1 THAT THIS DIRECTION, THIS APPROACH, IS THE RIGHT
2 WAY TO GO SO THAT WE CAN CONTINUE WORKING.

3 I ALSO WANTED TO TAKE THIS
4 OPPORTUNITY TO ACKNOWLEDGE BOARD AND LEA STAFF FOR
5 THEIR WORK ON THIS ITEM, IN PARTICULAR MR. WILLMAN
6 AND I THINK CLINT WHITNEY IS IN THE AUDIENCE, WHO
7 HAD A GREAT DEAL WITH GETTING US STARTED ON THIS
8 PATH, AND A NUMBER OF LEA STAFF AND BOARD STAFF
9 DID A LOT OF WORK ON THIS. AND I'M PROUD OF THE
10 EFFORT, AND I'M SURE WHAT WE HAVE BEFORE YOU IN
11 JANUARY WILL SHOW YOU THE FRUIT OF THAT WORK.
12 THANK YOU.

13 CHAIRMAN FRAZEE: JUST REFERRING TO A
14 MOMENT TO THE LIST OF 52 FACILITIES WITH
15 SIGNIFICANT CHANGE VIOLATIONS. WOULD YOU
16 CHARACTERIZE THOSE A LITTLE BIT? ARE THOSE
17 PRIMARILY TAKING IN AMOUNTS OF WASTE IN EXCESS OF
18 PERMITTED LEVELS? ARE THERE OTHER TYPES?

19 MR. WILLMAN: I REALLY -- I DON'T HAVE
20 THAT INFORMATION THAT SPECIFIC. I WOULD SAY OFF
21 THE TOP OF MY HEAD THAT PROBABLY QUITE A FEW OF
22 THEM ARE FOR TONNAGE, BUT THERE ARE OTHER ISSUES
23 INVOLVED TOO.

24 CHAIRMAN FRAZEE: I WOULD BE INTERESTED
25 IN KNOWING WHAT KINDS OF ISSUES COME UP.

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1 MS. RICE: CERTAINLY. I UNDERSTAND THAT
2 PART OF WHAT THE WORKING GROUP WILL BE DOING IS
3 CHARACTERIZING THE ISSUES, THE PARTICULARS AT EACH
4 FACILITY, AND WHAT ARE THE ROADBLOCKS THAT ARE
5 PREVENTING THE PERMIT FROM COMING FORWARD. SO
6 WHAT IS THE SIGNIFICANT CHANGE AND WHAT ARE THE
7 ROADBLOCKS TO BRINGING IT FORWARD, AND THAT
8 INFORMATION WILL BE AVAILABLE SHORTLY.

9 MEMBER RELIS: MR. CHAIR, I JUST WANTED
10 TO SAY A FEW WORDS ON THIS. AS YOU KNOW, I'VE
11 BEEN URGING THAT WE REEXAMINE OUR ENFORCEMENT
12 POLICY FOR ABOUT A YEAR. I'M HAPPY THAT WE NOW
13 HAVE A FRAMEWORK FOR THAT, AND I'M GLAD YOU,
14 DOROTHY, CLARIFIED THAT IT IS A FRAMEWORK BEFORE
15 US, NOT THE ACTUAL SUBSTANCE OF THE ACTIONS.

16 THIS IS, I BELIEVE, ONE OF THE MOST
17 IMPORTANT MATTERS THAT THE PERMITS AND ENFORCEMENT
18 COMMITTEE AND THE BOARD, INDEED, AS A WHOLE WILL
19 TAKE UP, I BELIEVE, IN THE NEAR FUTURE BECAUSE IT
20 SPEAKS TO THE VERY FUNDAMENTALS OF THE PROSPECTS
21 FOR A SUCCESSFUL TRANSFER TO A DEGREE OF AUTHORITY
22 TO LEA'S UNDER THE PERMIT REFORM EFFORT THAT IS
23 UNDER WAY IN THE STATE.

24 AND SO THIS ENFORCEMENT POLICY AND
25 INADEQUACIES, I BELIEVE, OF OUR SYSTEM, WHICH I

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1 THINK HAS BEEN WELL DESCRIBED BY MR. WILLMAN, IS
2 SOMETIMES CIRCUMVENTING THE PURPOSE OF A PERMIT IS
3 SOMETHING I HAVE VERY STRONG INTEREST IN, AND I
4 LOOK FORWARD TO SEEING THE SPECIFICS IN JANUARY
5 AND HOPE THAT THE WORKING RELATIONSHIP BETWEEN THE
6 BOARD AND THE LEA'S WILL BE VERY PRODUCTIVE IN
7 THIS TIME FRAME AND THAT WE ARE GOING TO MAKE A
8 REAL LEAP IN OUR ENFORCEMENT SYSTEM HERE IN THE
9 STATE THAT WILL LEAD TO GREATER EFFICIENCY,
10 ACCOUNTABILITY, AND A HIGHER LEVEL OF PERFORMANCE
11 BY ALL.

12 CHAIRMAN FRAZEE: WE DO HAVE A RESOLUTION
13 PREPARED ON THIS. I THINK THE SUGGESTION THAT
14 THAT BE MODIFIED TO INDICATE IN THE FIRST WHEREAS
15 IWMB STAFF DEVELOP THE BOARD ENFORCEMENT POLICY
16 FRAMEWORK AND APPROACH ACCORDING TO ALL
17 STATUTORY --

18 MS. RICE: AND THEN THAT SAME CHANGE --

19 CHAIRMAN FRAZEE: WITHOUT THAT, THE
20 RESOLUTION WOULD LEAD SOMEONE TO BELIEVE IT'S ALL
21 OVER WITH.

22 MS. RICE: RIGHT. AND THAT SAME CHANGE
23 IS NEEDED IN THE THEREFORE SECTION.

24 MEMBER PENNINGTON: MR. CHAIRMAN, I WOULD
25 MOVE THE ADOPTION OF RESOLUTION 96-441 AS AMENDED

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1 BY THE CHAIR.

2 MEMBER RELIS: SECOND.

3 CHAIRMAN FRAZEE: MOTION AND SECOND.

4 SECRETARY WILL CALL THE ROLL ON THIS ITEM, PLEASE.

5 THE SECRETARY: COMMITTEE MEMBERS

6 PENNINGTON.

7 MEMBER PENNINGTON: AYE.

8 THE SECRETARY: RELIS.

9 MEMBER RELIS: AYE.

10 THE SECRETARY: CHAIRMAN FRAZEE.

11 CHAIRMAN FRAZEE: AYE. IT'S CARRIED. IF

12 THERE'S NO OBJECTION, WE'LL GO CONSENT ON THIS

13 ONE. AND ALSO I FAILED TO ASK FOR CONSENT

14 APPROVAL ON THE PREVIOUS ITEM, ITEM 10 ON THE 2136

15 PROGRAM. THAT CAN PROBABLY GO ON THE FULL BOARD

16 CONSENT AGENDA. SO IF THERE'S NO OBJECTION, WE'LL

17 REFER THAT ONE TO THE BOARD CONSENT CALENDAR.

18 NOW WE'RE READY TO PROCEED WITH

19 AGENDA ITEM 12, THE CONSIDERATION OF ADOPTION OF

20 THE NEGATIVE DECLARATION AND PROPOSED REGULATIONS

21 FOR THE HANDLING AND DISPOSAL OF ASBESTOS

22 CONTAINING WASTE.

23 MS. RICE: THANK YOU. KEITH KIHARA WILL

24 MAKE THIS PRESENTATION FOR STAFF.

25 MR. KIHARA: THANK YOU, MR. FRAZEE, MR.

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1 PENNINGTON, AND MR. RELIS. BACK IN DECEMBER THE
2 BOARD APPROVED THE EMERGENCY REGULATIONS, DECEMBER
3 OF '95. THE EMERGENCY REGULATIONS WERE APPROVED
4 BY THE OFFICE OF ADMINISTRATIVE LAW ON AUGUST 1ST
5 OF THIS YEAR, AND THEY ARE EFFECTIVE FOR 120 DAYS,
6 UNTIL NOVEMBER 29TH.

7 THE RULEMAKING FILE MUST BE
8 COMPLETED AND SUBMITTED TO THE OFFICE OF
9 ADMINISTRATIVE LAW BY THE 29TH TO STAY WITHIN THAT
10 120-DAY EFFECTIVE PERIOD.

11 THE PERMANENT REGULATIONS -- THE
12 TEXT OF PERMANENT REGULATIONS HAS BEEN PUBLICLY
13 NOTICED AND ARE UNDER PUBLIC REVIEW UNTIL 4 P.M.
14 TODAY. THE NEGATIVE DECLARATION FOR THE
15 REGULATIONS PACKAGE WAS UNDER PUBLIC REVIEW UNTIL
16 SEPTEMBER 30TH OF 1996. THERE WERE NO SIGNIFICANT
17 COMMENTS.

18 AT THIS TIME STAFF WOULD LIKE TO
19 RECOMMEND THAT IF THERE ARE NO SIGNIFICANT
20 COMMENTS RECEIVED, THAT THE COMMITTEE FORWARD THE
21 NEGATIVE DECLARATION AND THE TEXT OF THE PROPOSED
22 REGULATIONS TO THE BOARD FOR APPROVAL. THAT
23 CONCLUDES MY PRESENTATION. I'M SORRY. I
24 APOLOGIZE.

25 ACTUALLY WE RECEIVED SOME COMMENTS

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1 FROM DEPARTMENT OF TOXIC SUBSTANCES CONTROL,
2 TOXICS ASSESSMENT GROUP, VENTURA AND SAN
3 BERNARDINO LOCAL ENFORCEMENT AGENCY, WASTE
4 MANAGEMENT, AND BROWNING FERRIS.

5 THE PRIMARY COMMENT THAT MOST OF THE
6 COMMENTERS MADE HAS TO DO WITH THE DEFINITION OF
7 ASBESTOS CONTAINING WASTE. ALL OF THE COMMENTERS
8 BELIEVED THAT THERE WASN'T ENOUGH CLARITY WITHIN
9 THE DEFINITION, AND THERE'S SOME CONFUSION OVER
10 WHETHER WE'RE TALKING ABOUT ONLY FRIABLE ASBESTOS
11 AS OPPOSED TO NONFRIABLE ASBESTOS. IT WAS BOARD
12 STAFF'S INTENTION NOT TO INCLUDE NONFRIABLE
13 ASBESTOS WITHIN THIS DEFINITION.

14 SO WHAT BOARD STAFF INTENDS TO DO,
15 IN CONSULTATION WITH LEGAL STAFF, IS TO
MODIFY THE
16 DEFINITION TO INCLUDE WORDING THAT INCLUDES
THE

17 TERM "FRIABLE ASBESTOS GREATER THAN 1
PERCENT"
18 WITHIN THE DEFINITION.

19 WE'VE ALSO RECEIVED SOME
COMMENTS

20 REGARDING WHETHER OR NOT A LOADCHECKING
PROGRAM IS

21 NECESSARY. WE BELIEVE THAT THOSE ARE

ADEQUATELY

22 ADDRESSED BY THE EXISTING TITLE 14, SUBTITLE

D

23 REQUIREMENT FOR LOADCHECKING.

24 THERE WAS A COMMENT ABOUT A

CONFLICT

25 BETWEEN THE DEFINITION OF ENFORCEMENT AGENCY

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1 WITHIN THE PROPOSED REGULATIONS AND THE PRC
2 DEFINITION. WE BELIEVE THAT BECAUSE THE PRC
3 STATUTE THAT GIVES US AUTHORITY FOR THESE
4 REGULATIONS DELEGATES THAT AUTHORITY TO THE BOARD
5 AND NOT THE LEA'S, THIS DEFINITION IS NECESSARY,
6 AND IT ONLY APPLIES TO THESE REGULATIONS.

7 THERE IS SOME -- THERE WAS ANOTHER
8 COMMENT FROM AN LEA REGARDING SOME LANGUAGE WITHIN
9 THE REGULATIONS TO GRANDFATHER NONSOLID WASTE
10 PERMITTED FACILITIES INTO THE SYSTEM. BECAUSE OF
11 A CONFLICT WITH THE EXISTING AB 59 LANGUAGE, THE
12 CEASE AND DESIST LANGUAGE, THESE FACILITIES ARE
13 ALREADY EXISTING FACILITIES. THEY'RE PERMITTED
14 UNDER THE EXISTING STRUCTURE. WE FELT IT WAS
15 UNFAIR TO SAY THAT THEY HAD TO CEASE

OPERATION ON

16 OCTOBER 16TH IF THE PERMIT PROCESS WASN'T
17 COMPLETED. AND SO WE PROVIDED THIS PROVISION
18 FOR
19 THEM TO COME INTO COMPLIANCE WITH A MODIFIED
20 TIME
21 FRAME.

22 THERE WAS ANOTHER QUESTION FROM
23 LEA'S REGARDING JURISDICTION, THEIR
24 JURISDICTION
25 TO ENFORCE TITLE 22. WE BELIEVE THAT PRC

SECTION

23 44820 AND THE EXISTING MOU BETWEEN THE BOARD

AND

24 TOXICS ADDRESSES THAT ISSUE.

25 THERE WAS ALSO A QUESTION
REGARDING

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1 REPORT OF RELEASES TO THE OFFICE OF EMERGENCY
2 SERVICES. BOARD STAFF BELIEVE THAT'S ALSO
3 ADEQUATELY ADDRESSED BY EXISTING STATUTE,
4 SPECIFICALLY SECTION 25507 OF THE CALIFORNIA
5 HEALTH AND SAFETY CODE.

6 I BELIEVE THAT'S ALL THE COMMENTS
7 THAT I'D LIKE TO ADDRESS AT THIS TIME.

8 CHAIRMAN FRAZEE: HAVE YOU DEVELOPED
9 SPECIFIC LANGUAGE FOR THE DEFINITION OF ASBESTOS
10 CONTAINING WASTE OR IS THAT STILL --

11 MR. KIHARA: YES. WELL, WE'D LIKE TO
12 INSERT AFTER, I BELIEVE IT'S, THE WORD "CODE" IN
13 THE DEFINITION THE PHRASE --

14 MEMBER RELIS: WHAT PAGE IS THAT?

15 CHAIRMAN FRAZEE: THAT'S ATTACHMENT 1,
16 LINE 34.

17 MR. KIHARA: IT'S UNDER THE DEFINITION OF
18 ASBESTOS CONTAINING WASTE. AFTER THE WORD "CODE"
19 IN HEALTH AND SAFETY CODE, IT WOULD INCLUDE -- IT
20 WOULD SAY "FRIABLE ASBESTOS GREATER THAN 1
21 PERCENT", AND THEN IT'S A NEW SENTENCE, "ASBESTOS
22 CONTAINING WASTE DOES NOT INCLUDE."

23 MR. BLOCK: LET ME JUST JUMP IN WHILE
24 YOU'RE TAKING A LOOK AT THAT AND SAY THAT WE'VE
25 TAKEN A LOOK AT THIS ISSUE AND DETERMINED THAT WE

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1 CAN MAKE THIS KIND OF A CHANGE. IT'S A
2 CLARIFICATION RATHER THAN A CHANGE THAT WOULD
3 REQUIRE A 15-DAY. IT WOULD THROW US,
4 UNFORTUNATELY, TO NOVEMBER IF WE DO THAT.

5 CHAIRMAN FRAZEE: I GUESS MY QUESTION IS
6 BROUGHT ON BECAUSE I DON'T UNDERSTAND THIS, BUT
7 GREATER THAN ONE PERCENT OF WHAT?

8 MR. KIHARA: GREATER THAN 1 PERCENT.
9 IT'S NOT REALLY CLEAR WITHIN THE TITLE 22
10 REGULATION WHETHER IT'S REFERRING TO BY WEIGHT OR
11 BY VOLUME.

12 CHAIRMAN FRAZEE: OKAY. BUT IT IS -- TO
13 PUT IT DOWN IN LAYMAN'S TERMS, IF YOU HAVE A LOAD
14 OF WASTE THAT CONTAINS ASBESTOS, THEN THAT MEANS 1
15 PERCENT FRIABLE ASBESTOS OF THE ENTIRE LOAD.

16 MR. KIHARA: OF THE ENTIRE LOAD, THAT'S
17 CORRECT. TYPICALLY THE WAY AN ASSESSMENT IS DONE
18 TO DETERMINE WHETHER IT'S FRIABLE IS THEY'LL TAKE
19 A PARTICULAR SAMPLE, RUN IT FOR ANALYSIS, AND THAT
20 PARTICULAR SAMPLE, SUPPOSEDLY, IS REPRESENTATIVE
21 OF THE ENTIRE WASTE THAT'S GOING TO BE REMOVED.
22 AND IF IT'S 1 PERCENT OR GREATER, THEN THE WHOLE
23 LOAD OR THE WHOLE WASTE THAT'S GOING TO BE REMOVED
24 IS DETERMINED TO MEET THE CHARACTERISTICS FOR
25 FRIABILITY OR FRIABLE ASBESTOS. THAT'S TYPICALLY

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1 THE WAY IT'S DONE.

2 LIKE, FOR EXAMPLE, IF THE CEILING
3 TILES WERE REMOVED OUT OF THIS ROOM, A
4 REPRESENTATIVE SAMPLE WOULD BE TAKEN FROM THOSE
5 CEILING TILES. THE TYPICAL ANALYSIS IS THEY STAIN
6 IT, THEY LOOK AT IT UNDER A MICROSCOPE, AND THEY
7 DO A COUNT. IF IT'S 1 PERCENT OR GREATER OF A
8 PARTICULAR SPECIES OF ASBESTOS, THEN THAT
9 MATERIAL, ALL THE CEILING TILES, ARE DETERMINED TO
10 EXCEED THE REGULATORY THRESHOLD FOR FRIABLE
11 ASBESTOS.

12 CHAIRMAN FRAZEE: IT JUST SEEMS TO ME IN
13 THE COURSE OF HANDLING THE MATERIAL, IT CAN BE
14 NONFRIABLE UNTIL SOMEONE BREAKS IT UP OR CRUSHES
15 IT AND EXPOSES MORE OF IT, AND THEN YOU HAVE A
16 GREATER PERCENTAGE THAT BECOMES FRIABLE SOMEWHERE
17 ALONG THE PROCESS. AM I ON THE WRONG TRACK?

18 MR. KIHARA: NO. NO. TYPICALLY THE WAY
19 FRIABILITY IS ASSESSED IS IF YOU CAN PULVERIZE IT
20 WITH HAND PRESSURE. SO IT'S LESS LIKELY THAT IF
21 MATERIAL WAS NONFRIABLE TO BEGIN WITH, THAT YOU
22 COULD CRUSH IT WITH HAND PRESSURE AND MAKE IT MORE
23 FRIABLE. THAT'S NOT VERY LIKELY.

24 TYPICALLY WHAT AN ASBESTOS REMOVAL
25 CONTRACTOR WILL DO WILL DETERMINE FRIABILITY AND

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1 RUN THE ANALYSIS OR HAVE THE ANALYSIS CONDUCTED TO
2 DETERMINE WHETHER IT EXCEEDS THE REGULATORY
3 THRESHOLD.

4 CHAIRMAN FRAZEE: WE HAVE A REQUEST FROM
5 CHARLES WHITE REPRESENTING WMX TECHNOLOGIES TO
6 SPEAK TO US ON THIS ITEM.

7 MR. WHITE: THANK YOU, MR. CHAIRMAN,
8 MEMBERS OF THE COMMITTEE. JUST REALLY BRIEF
9 COMMENTS. THIS IS HAS BEEN A LONG AND ARDUOUS
10 PROCESS ON THIS REGULATION OF ASBESTOS. IT'S
11 PROBABLY GONE ON FOR 12 YEARS, AND I FEEL AS
12 THOUGH THERE'S ALMOST A BRASS RING THERE OR GOLD
13 RING EVEN YOU CAN REACH UP AND GRAB. SO WE
14 CERTAINLY SUPPORT THESE REGULATIONS. WE THINK
15 THEY PROVIDE FOR EFFECTIVE AND SAFE MANAGEMENT OF
16 ASBESTOS WASTE.

17 WE WOULD URGE THAT THE CLARIFICATION
18 THAT THE STAFF HAS SUGGESTED IT DO BE ADDED, IT
19 DOES BE ADDED, IT SHOULD BE ADDED TO THE LANGUAGE
20 TO CLARIFY. AND I AGREE WITH ELLIOT'S STATEMENT,
21 THAT IT REALLY DOESN'T HAVE ANY REGULATORY IMPACT.
22 BUT IN ORDER TO REACH THAT CONCLUSION, THAT THIS
23 IS ONLY LIMITED TO FRIABLE ASBESTOS OF MORE THAN 1
24 PERCENT, YOU'D HAVE TO READ IT IN CONJUNCTION WITH
25 A BUNCH OF OTHER STATUTES AND REGULATIONS.

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1 THIS SIMPLY FOR CLARITY PURPOSES PUT
2 IT IN ONE SPOT THAT WE THINK WOULD EASE THE
3 UNDERSTANDING OF THE GENERAL PUBLIC AND THOSE THAT
4 HAVE TO COMPLY WITH THESE REGULATIONS. SO WE
5 WOULD SUPPORT THE RECOMMENDATION MADE BY STAFF,
6 AND WE URGE YOU TO GO AHEAD AND ADOPT THE
7 REGULATIONS. THANKS.

8 CHAIRMAN FRAZEE: LARRY SWEETSER. NORCAL
9 WASTE SYSTEMS.

10 MR. SWEETSER: GOOD MORNING, CHAIR
11 FRAZEE, MEMBERS RELIS AND PENNINGTON. LARRY
12 SWEETSER, DIRECTOR OF REGULATORY AFFAIRS, NORCAL
13 WASTE SYSTEMS.

14 I'D ECHO MR. WHITE'S SUPPORT ON
15 THESE REGULATIONS. IT'S BEEN A LONG TIME COMING,
16 ESPECIALLY THOSE OF US OUT THERE THAT HAVE BEEN
17 DOING THIS FROM DAY TO DAY AND WOULD APPRECIATE
18 GOING FORWARD WITH THIS PACKAGE TODAY.

19 AND WE WOULD ALSO ECHO THE SUPPORT
20 OF CLARIFYING THE DEFINITION BECAUSE I DON'T
21 BELIEVE IT'S SIGNIFICANT EITHER, THAT THE
22 NONFRIABLE LESS THAN 1 PERCENT -- AND IT IS BY
23 WEIGHT IS TYPICALLY THE INTERPRETATION -- BE
24 EXCLUDED FROM THAT DEFINITION. AND I THINK IT IS
25 EXPLICIT IN THE REGS THAT THAT IS THE CASE
BECAUSE

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1 MANY OF US AND MANY OTHER PEOPLE WILL BE LOOKING
2 SOMEWHERE FOR THAT, AND IT'S EASIER TO FIND IT IN
3 THOSE REGULATIONS.

4 DO KEEP IN MIND, EVEN THOUGH
5 NONFRIABLE IS CRUSHABLE BY HAND PRESSURE -- IT'S
6 NOT CRUSHABLE BY HAND PRESSURE, AND THAT'S WHAT
7 MAKES IT ACCEPTABLE IN SOME OF THOSE SITES. IT
8 CAN BE RENDERED FRIABLE BY RUNNING IT OVER WITH
9 BULLDOZERS AND OTHER EQUIPMENT. SO EVEN THOSE
10 OPERATORS, IN TAKING NONFRIABLE ASBESTOS, DO NEED
11 TO TAKE CARE IN HANDLING THAT MATERIAL TO MAKE
12 SURE IT DOESN'T GET RENDERED FRIABLE. I'M SURE
13 THE LEA'S WILL BE OUT THERE LOOKING AT THAT ON
14 THOSE FACILITIES AS WELL. SO THANK YOU.

15 CHAIRMAN FRAZEE: EVAN EDGAR REPRESENTING
16 CRRC.

17 MR. EDGAR: MY NAME IS EVAN EDGAR,
18 MANAGER OF TECHNICAL SERVICES, CALIFORNIA REFUSE
19 REMOVAL COUNCIL. GOOD MORNING.

20 I HAD A LONG PRESENTATION TODAY, BUT
21 WITH THE GOOD WORK OF KEITH, HE WAS ABLE TO HAVE
22 SOME CLARIFYING DEFINITIONS FROM DTSC THAT WAS
23 NEEDED. I'D LIKE TO ENTER INTO THE RECORD MY
24 TESTIMONY ANYWAY TO HAVE IT IN THE FILE. BUT WE
25 WOULD SUPPORT THE CLARIFYING LANGUAGE. WE DON'T

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1 SEE IT AS SIGNIFICANT, AND IT'S BEEN IN THE MAKING
2 FOR A LONG TIME. SO I SUPPORT THE CLARIFYING
3 DEFINITION AND ECHO MR. CHARLES WHITE ON SUPPORT
4 OF THESE REGULATIONS. THANK YOU.

5 CHAIRMAN FRAZEE: THANK YOU. ANY OTHER
6 DISCUSSION?

7 MEMBER PENNINGTON: MR. CHAIRMAN, I MOVE
8 THE STAFF RECOMMENDATION AS AMENDED.

9 MEMBER RELIS: SECOND.

10 CHAIRMAN FRAZEE: MOTION AND SECOND ON
11 MOVING STAFF RECOMMENDATION, WHICH IS TO GO
12 FORWARD WITH SUBMITTING THESE REGULATIONS.

13 MEMBER PENNINGTON: AND THE
14 RECOMMENDATION AS THE REGULATIONS ARE AMENDED.

15 CHAIRMAN FRAZEE: OKAY. THE MOTION IS
16 BEFORE US. SECRETARY WILL CALL THE ROLL.

17 THE SECRETARY: COMMITTEE MEMBERS
18 PENNINGTON.

19 MEMBER PENNINGTON: AYE.

20 THE SECRETARY: RELIS.

21 MEMBER RELIS: AYE.

22 THE SECRETARY: CHAIRMAN FRAZEE.

23 CHAIRMAN FRAZEE: AYE. MOTION IS
24 CARRIED. IS THAT ONE ELIGIBLE FOR CONSENT TO THE
25 FULL BOARD ON THE REGS?

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1 MEMBER PENNINGTON: PUT IT ON CONSENT.
2 IF SOMEBODY WANTS TO PULL IT OFF, THEY CAN PULL IT
3 OFF.

4 CHAIRMAN FRAZEE: WITHOUT OBJECTION,
5 WE'LL PUT IT ON CONSENT. THE TIMING OF THIS GOING
6 FORWARD WOULD HAVE TO WAIT FOR THE FULL BOARD
7 MEETING ANYWAY; IS THAT CORRECT?

8 MS. RICE: RIGHT. YOUR COMMENT PERIOD, I
9 THINK, TECHNICALLY ENDS AT 4 O'CLOCK TODAY. SO
10 THE BOARD SHOULD HAVE A LOOK AT IT PERHAPS AS
11 WELL. YOU MAY WANT TO RECOMMEND CONSENT. IF
12 THERE ARE ANY ISSUES THAT COME UP, IT COULD BE
13 TAKEN OFF CONSENT.

14 CHAIRMAN FRAZEE: THAT'S THE ACTION WE'LL
15 TAKE, THEN, IS RECOMMEND CONSENT THIS ON ITEM.

16 NOW, ITEM 13, ANOTHER POLICY ITEM,
17 CONSIDERATION OF THE ESTABLISHMENT OF A HEARING
18 PANEL WHEN THE BOARD IS ACTING AS THE ENFORCEMENT
19 AGENCY.

20 MS. RICE: BOB HOLMES WILL MAKE THE NEXT
21 TWO PRESENTATIONS FOR STAFF.

22 MR. HOLMES: GOOD MORNING, MR. CHAIRMAN
23 AND MEMBERS OF THE COMMITTEE. THIS ITEM REGARDS
24 THE ESTABLISHMENT OF A HEARING PANEL FOR THE
BOARD
25 ACTING AS THE ENFORCEMENT AGENCY AND IS A

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1 FOLLOW-UP ITEM TO THE LARGER ITEM THAT WAS BEFORE
2 YOU IN AUGUST.

3 THE PUBLIC RESOURCES CODE PROVIDES
4 FOR HEARINGS FOR PERMIT AND ENFORCEMENT APPEALS
5 PURPOSES. THESE HEARINGS ARE TO BE CONDUCTED BY A
6 HEARING PANEL. THE MEMBERSHIP OF HEARING PANELS
7 FOR LOCAL ENFORCEMENT AGENCIES ARE CONTROLLED BY
8 LOCAL GOVERNING BODIES. THE MEMBERSHIP OF THE
9 HEARING PANEL FOR THE BOARD ACTING AS THE
10 ENFORCEMENT AGENCY IS CONTROLLED BY THE
11 CHAIRPERSON OF THE BOARD PURSUANT TO PUBLIC
12 RESOURCES CODE SECTION 44309, WHICH STATES, "ALL
13 HEARINGS CONDUCTED BY THE BOARD ACTING AS OR ON
14 BEHALF OF THE ENFORCEMENT AGENCY SHALL BE
15 CONDUCTED BY A HEARING PANEL OF THREE BOARD
16 MEMBERS SELECTED BY THE CHAIRPERSON OF THE BOARD."

17 THE STATUTE DOES NOT SPECIFY WHETHER
18 MEMBERSHIP SELECTION IS MADE ON AN AD HOC BASIS OR
19 ON A STANDING BASIS. STAFF ARE ASKING THE
20 COMMITTEE AND THE BOARD TO MAKE A DETERMINATION ON
21 THE MEMBERSHIP SELECTION AND ARE RECOMMENDING THAT
22 THE COMMITTEE AND THE BOARD CHOOSE EITHER AN AD
23 HOC OR STANDING SELECTION STANDARD.

24 THE ADVANTAGE THE STANDING PANEL HAS
25 OVER THE AD HOC PANEL IS THAT IT WOULD BE

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1 IMMEDIATELY ACCESSIBLE UPON A REQUEST TO HOLD A
2 HEARING. IT WOULD NOT REQUIRE A BOARD MEETING TO
3 SELECT NEW MEMBERS AFTER A CHANGE TO THE BOARD
4 MEMBERSHIP IF THE SELECTIONS ARE MADE BY POSITIONS
5 OR SLOTS RATHER THAN BY NAME; FOR EXAMPLE, AS THE
6 MEMBERS ARE APPOINTED TO THE BOARD AND THEIR
7 REPRESENTATION. THAT CONCLUDES MY PRESENTATION.

8 CHAIRMAN FRAZEE: VIEWS OR OPINIONS ON
9 THIS ONE?

10 MEMBER PENNINGTON: IF THE BOARD
11 CHAIRPERSON APPOINTS THE HEARING PANEL, WHY IS IT
12 NECESSARY TO HAVE TO GO TO THE FULL BOARD? IT'S
13 HIS APPOINTMENT OR HER APPOINTMENT.

14 MS. TOBIAS: I DON'T HAVE MY BOARD
15 PROCEDURES DOWN HERE, BUT I CAN GET THEM IN A VERY
16 QUICK TIME. AS I RECALL, IT'S REQUIRED THAT THE
17 BOARD BASICALLY APPROVE THE COMMITTEES, THAT THEY
18 GO BACK TO -- THE CHAIR APPOINTS THEM, BUT THEY'RE
19 KIND OF NOT APPROVED, BUT BASICALLY THERE'S A
20 MOTION TO ACCEPT THOSE COMMITTEES BY THE BOARD,
21 AND THAT'S HOW WE'VE ALWAYS DONE THAT. SO IT WAS
22 MY UNDERSTANDING THAT IN ORDER -- IF YOU WANTED TO
23 HAVE AN AD HOC COMMITTEE, THAT YOU WOULD NEED TO
24 NAME THEM AND GET THEM APPROVED AT THE NEXT
25 MEETING RATHER THAN JUST BEING ABLE TO APPOINT

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1 THEM YOURSELF.

2 MEMBER PENNINGTON: IT'S A BOARD
3 PROCEDURE, NOT A STATUTORY --

4 MS. TOBIAS: THAT'S CORRECT, BUT WE'VE
5 ALWAYS DONE THAT FOR ALL THE COMMITTEES IS TO
6 BASICALLY HAVE THEM COME BACK BEFORE THE BOARD FOR
7 APPROVAL.

8 CHAIRMAN FRAZEE: IF WE ADOPTED A
9 STATEMENT HERE THAT INDICATED THAT THE HEARING
10 PANEL SHALL CONSIST OF ONE LEGISLATIVE APPOINTEE,
11 ONE PUBLIC MEMBER APPOINTEE, AND ONE REPRESENTATIVE
12 APPOINTEE, THAT GIVES ONE FROM EACH OF THE
13 THREE CATEGORIES. AND THEN THERE'S FLEXIBILITY AS
14 TO WHO THE INDIVIDUAL IS AT THE TIME. DOES THAT
15 GIVE THE CHAIRMAN AN OPPORTUNITY TO FILL THOSE
16 THREE SPOTS WITH EITHER ONE OF TWO.

17 MS. TOBIAS: IF YOU WANT TO DO IT THAT
18 WAY AND THEN SPECIFY THAT IN THIS PARTICULAR
19 SITUATION, YOU KNOW, YOU WERE WILLING TO DELEGATE
20 THAT AUTHORITY TO THE CHAIR, THAT THAT WOULD BE
21 ADDED TO THE BOARD PROCEDURES. THAT'S OKAY WITH
22 ME.

23 CHAIRMAN FRAZEE: DOES THAT --

24 MS. TOBIAS: REALLY TALKING
25 ADMINISTRATIVE PROCEDURE.

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1 CHAIRMAN FRAZEE: IS THAT A WAY TO DO IT?

2 MEMBER PENNINGTON: YOU'RE SAYING THAT WE
3 WOULD HAVE AN AD HOC WITH ONE LEG., ONE PUBLIC,
4 AND ONE OF THE OTHER.

5 CHAIRMAN FRAZEE: REPRESENTATIVE--

6 MEMBER RELIS: ONE OF US OTHERS.

7 MEMBER PENNINGTON: ONE OF THE OTHERS.
8 ONE OF A OR B. YEAH. I THINK --

9 CHAIRMAN FRAZEE: THAT PROBABLY GIVES A
10 DEGREE OF FAIRNESS TO IT THAT DOESN'T LOOK LIKE AN
11 OPPORTUNITY FOR THE CHAIRMAN TO STACK A PANEL ON
12 THE -- FOR A SPECIFIC INSTANCE.

13 MEMBER PENNINGTON: WHAT'S THE POINT OF
14 BEING CHAIR? YEAH. I THINK --

15 CHAIRMAN FRAZEE: PUTS SOME RESTRICTION
16 ON IT.

17 MS. RICE: AND THE CHAIRMAN WOULD MAKE
18 THE SELECTION ON A CASE-BY-CASE BASIS AS NEEDED
19 WITH THESE CRITERIA IN PLACE.

20 MEMBER RELIS: THAT, I THINK, WOULD GIVE
21 THE CHAIRMAN THE FLEXIBILITY TO PULL TOGETHER A
22 GROUP ON SHORT NOTICE BECAUSE THEN YOU WOULDN'T
23 DEPEND ON AN INDIVIDUAL NECESSARILY BEING HERE.

24 MEMBER PENNINGTON: ONE LEG., ONE
PUBLIC,
25 AND ONE DESIGNATED.

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1 MS. TOBIAS: OR ONE OF THE CHAIRMAN'S
2 CHOICE.

3 MEMBER PENNINGTON: I WOULD --

4 CHAIRMAN FRAZEE: SOMEONE WANT TO PUT
5 THAT IN THE FORM OF A MOTION?

6 MEMBER RELIS: I'LL RECOMMEND THAT WE
7 ESTABLISH A HEARING PANEL FRAMEWORK CONSISTING OF
8 THE FORMULA OF --

9 MS. TOBIAS: I THINK YOU'D WANT TO SAY
10 THAT IT'D BE AN AD HOC COMMITTEE APPOINTED BY THE
11 CHAIR.

12 MEMBER RELIS: AN AD HOC COMMITTEE
13 APPOINTED BY THE CHAIR REPRESENTING ONE
14 LEGISLATIVE MEMBER, A PUBLIC MEMBER, AND AN
15 INDUSTRY OR ENVIRONMENT MEMBER, EITHER -- WHAT
16 WOULD WE CALL THAT? WHAT'S THE GENERIC TERM YOU
17 USE?

18 MEMBER PENNINGTON: DESIGNATED.

19 MEMBER RELIS: DESIGNATED. AND A
20 DESIGNATED MEMBER.

21 MS. TOBIAS: DESIGNATED MEANING
22 ENVIRONMENTAL OR INDUSTRY, MAYBE PUT THAT IN
23 PARENS. DESIGNATED TO ME IS NOT TOO CLEAR.

24 MEMBER RELIS: THAT WOULD BE MY

MOTION.

25 MEMBER PENNINGTON: AND I WOULD SECOND

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1 THAT. I JUST QUESTION AS AN AD HOC, THAT MEANS
2 EVERY TIME WE NEED IT, WE MAKE -- OKAY. YEAH.

3 CHAIRMAN FRAZEE: WITHOUT THE NECESSITY
4 OF GOING FOR THE FULL BOARD ACTION. OKAY. I'M
5 NOT GOING TO TRY TO REPHRASE THE MOTION OR REPEAT
6 IT. IT'S IN THE RECORD. EVERYONE UNDERSTAND IT.
7 IF THE SECRETARY WILL CALL THE ROLL ON THAT
8 MOTION.

9 THE SECRETARY: COMMITTEE MEMBERS
10 PENNINGTON.

11 MEMBER PENNINGTON: AYE.

12 THE SECRETARY: RELIS.

13 MEMBER RELIS: AYE.

14 THE SECRETARY: CHAIRMAN FRAZEE.

15 CHAIRMAN FRAZEE: AYE. MOTION IS
16 CARRIED. I THINK WE BETTER SEND THAT ONE TO THE
17 FULL BOARD FOR DISCUSSION SO THAT DOESN'T LOOK
18 LIKE WE'RE --

19 NOW, ITEM 14 IS THE CONSIDERATION
20 OF

21 APPROVAL OF THE MEMORANDUM OF AGREEMENT WITH THE
22 CITY OF STOCKTON FOR ENFORCEMENT AGENCY DUTIES.

23 MR. HOLMES: I WON'T REPEAT WHAT THE
ITEM

IS FOR AS YOU JUST SAID IT. THE CITY OF STOCKTON

24 TOOK ACTION ON JUNE 10TH OF THIS YEAR TO WITHDRAW
25 ITS DESIGNATION OF ITS ENFORCEMENT AGENCY AND DID

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1 NOT DESIGNATE A NEW AGENCY IN ITS PLACE. STATUTE
2 REQUIRES THE BOARD TO BECOME THE ENFORCEMENT
3 AGENCY UNDER THESE CIRCUMSTANCES. THE EFFECTIVE
4 DATE OF THE BOARD TAKING OVER WAS YESTERDAY,
5 OCTOBER 8TH.

6 THE PUBLIC RESOURCES CODE SECTIONS
7 43212.1 AND 43310.1, WHICH WERE ADDED BY AB 59,
8 NOW REQUIRE THE LOCAL GOVERNING BODY AND THE BOARD
9 TO ENTER INTO AN AGREEMENT WHEN THE BOARD BECOMES
10 THE ENFORCEMENT AGENCY. THE AGREEMENT MUST
11 IDENTIFY THE JURISDICTIONAL BOUNDARIES OF THE
12 ENFORCEMENT AGENCY, ADDRESS THE POWERS AND DUTIES
13 TO BE PERFORMED BY THE BOARD, AND IDENTIFY AN
14 ESTIMATED WORKLOAD AND ANTICIPATED COST TO THE
15 BOARD. THEIR AGREEMENT MUST ALSO IDENTIFY THE
16 COST RECOVERY PROCEDURES TO BE FOLLOWED BY THE
17 BOARD.

18 THE DRAFT MOU THAT IS PART OF YOUR
19 PACKET CONTAINS ALL OF THE REQUIRED INFORMATION.
20 STOCKTON CITY COUNCIL APPROVED THE AGREEMENT BY
21 RESOLUTION ON SEPTEMBER 30, 1996. STAFF RECOMMEND
22 THAT THE COMMITTEE AND THE BOARD ADOPT RESOLUTION
23 96-433, APPROVING THE MEMORANDUM OF AGREEMENT.

24 I'D BE HAPPY TO ANSWER ANY
25 QUESTIONS. MR. MIKE MILLER, THE CITY OF

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1 STOCKTON'S WASTE MANAGEMENT MANAGER, IS ALSO IN
2 THE AUDIENCE IF YOU HAVE QUESTIONS.

3 MS. TOBIAS: MR. CHAIR, MAY I RAISE A
4 QUESTION OF STAFF? IN THE -- ONE ISSUE CAME UP
5 AFTER WE HAD FINISHED NEGOTIATING THIS AGREEMENT
6 WITH RESPECT TO THE ISSUE OF HEARING PANELS AT THE
7 LOCAL LEVEL. IN FUTURE AGREEMENTS, THE AGREEMENT
8 WILL SPECIFY THAT THERE WILL BE NO HEARING PANELS
9 AT THE LOCAL LEVEL IF THE BOARD IS THE EA.

10 I DON'T BELIEVE WE INDICATED THAT IN
11 THIS AGREEMENT BECAUSE IT WAS ALREADY NEGOTIATED.
12 BUT, IN FACT, I WANTED TO PUT ON THE RECORD THAT
13 THAT WOULD BE MY UNDERSTANDING FOR THIS CITY AS
14 WELL, THAT THERE WOULD NOT BE THE APPEAL
PROCESS.

15 THERE WOULD BE THE BOARD'S APPEAL PROCESS THAT
16 WE'D BE GOING THROUGH IF THEY WANTED TO, BUT NO
17 LOCAL HEARING PANEL.

18 MEMBER RELIS: IF THERE'S AN APPEAL,
IT
19 WOULD BE THE HEARING PANEL OF THE BOARD.

20 MS. TOBIAS: RIGHT.

21 MEMBER PENNINGTON: MADE UP OF THE
LEG.

22 PEOPLE.

23 MEMBER RELIS: THAT'S RIGHT.

24 CHAIRMAN FRAZEE: EACH ONE OF THESE
25 AGREEMENTS, AND THIS IS, WHAT, NO. 4 OR 5 THAT
WE

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1 HAVE WITH LOCAL JURISDICTIONS?

2 MR. HOLMES: THIS IS THE FIFTH
3 JURISDICTION, BUT THIS IS THE FIRST AGREEMENT.

4 CHAIRMAN FRAZEE: WHAT DO WE HAVE WITH
5 JURISDICTIONS LIKE PASO ROBLES?

6 MR. HOLMES: WE DO NOT HAVE AN AGREEMENT
7 WITH THEM.

8 MS. TOBIAS: WE HAD SOME DIFFICULTY
9 NEGOTIATING AGREEMENTS WITH SEVERAL OF THE OTHER
10 ONES. SO THE POINT BRINGING THIS TO THE BOARD, AS
11 WELL AS WHAT THE BOARD INDICATED, THAT THEY WANTED
12 TO SEE THESE IN THE PAST, IS TO BASICALLY HAVE A
13 STANDARD FORMAT. IF THERE WAS A SPECIFIC ISSUE
14 THAT NEEDED TO BE ADDRESSED, WE COULD, OF COURSE,
15 ADD IT IN. THIS IS PRETTY MUCH WHAT YOU'LL BE
16 SEEING AND WHAT WILL BE PRESENTED TO THE OTHER
17 AGENCIES AS WELL IN THE FUTURE.

18 CHAIRMAN FRAZEE: THAT WAS THE POINT I
19 WAS GETTING TO, THAT WE HAVE SOME STANDARDIZED
20 FORMAT WE USE FOR EVERY AGENCY UNLESS THERE'S GOOD
21 CAUSE FOR VARIATION FROM THAT. OKAY. WE HAVE THE
22 ITEM BEFORE US AND A RESOLUTION.

23 MEMBER RELIS: MR. CHAIR, I MOVE
24 CONCURRENCE, RESOLUTION NO. 96-433.

25 MEMBER PENNINGTON: SECOND.

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1 CHAIRMAN FRAZEE: MOTION AND A SECOND ON
2 APPROVAL OF THE AGREEMENT WITH CITY OF STOCKTON.
3 SECRETARY WILL CALL THE ROLL, PLEASE.

4 THE SECRETARY: COMMITTEE MEMBERS
5 PENNINGTON.

6 MEMBER PENNINGTON: AYE.

7 THE SECRETARY: RELIS.

8 MEMBER RELIS: AYE.

9 THE SECRETARY: CHAIRMAN FRAZEE.

10 CHAIRMAN FRAZEE: AYE. AND THE MOTION
11 CARRIES. WITHOUT OBJECTION, WE'LL RECOMMEND THAT
12 ONE FOR CONSENT CALENDAR TO THE FULL BOARD.

13 MEMBER PENNINGTON: WILL WE GO BACK AND
14 TRY TO NEGOTIATE THESE FOUR WITH THIS STANDARD?

15 MR. HOLMES: THE STATUTE SAYS ANY -- FOR
16 ANY JURISDICTION WE BECOME THE EA FOR AFTER
17 JANUARY 1, '95. SO THAT RULES OUT STANISLAUS,
18 SANTA CRUZ, AND BERKELEY. WE CAN GO BACK WITH
19 PASO ROBLES.

20 CHAIRMAN FRAZEE: NOW, DO WE HAVE ANY
21 OTHER ITEMS TO COME BEFORE THE COMMITTEE? OPEN
22 DISCUSSION OR ANY OTHER REPORTS. IF NOT, THE
23 PERMITTING AND ENFORCEMENT COMMITTEE WILL BE
24 ADJOURNED, AND THE FULL BOARD WILL MEET IN SPECIAL
25 SESSION STARTING AT 1:30 TODAY.

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1 MS. TOBIAS: AS I READ THIS, IT SAYS 1:30
2 P.M. OR ON COMPLETION OF THE PERMITTING AND
3 ENFORCEMENT COMMITTEE MEETING. SO IF THE OTHER
4 BOARD MEMBERS WERE AVAILABLE, YOU COULD MEET RIGHT
5 NOW OR AT 1:30. IT'S CERTAINLY YOUR PLEASURE. I
6 JUST WANTED TO RAISE THAT.

7 CHAIRMAN FRAZEE: I DON'T KNOW WHETHER
8 THEY'RE AVAILABLE IN THE BUILDING OR NOT.

9

10 (END OF PROCEEDINGS AT 11 A.M.)

11

12

13

14

15

16

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Please note: These transcripts are not individually reviewed and approved for accuracy.